

CM 334178 1942 SABOTEURS CASE VOL. XIII OF XVIII TRANSCRIPT

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STENOGRAPHIC TRANSCRIPT OF PROCEEDINGS
Before the
MILITARY COMMISSION TO TRY PERSONS CHARGED WITH
OFFENSES AGAINST THE LAW OF WAR AND THE
ARTICLES OF WAR.

Washington, D. C.

Wednesday, July 22, 1942.

334178

275-2292

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Vol XIII

C O N T E N T S .

Wednesday, July 22, 1942.

Name of Witness	Direct	Cross	Redirect	Recross	By Commission
James Stewart Eagen	2119	2120			
Herbert Joannes Wilhelm Godhelp Haupt		2124	2144	2147	2148
			2152	2152	2153
Agnes Jordan	2156	2159			
Anna Emma Haupt	2171	2179	2181	2181	
Gerda Melind	2184	2188			
Herman Otto Neubauer	2192	2217	2246	2247	
Werner Edward Thiel	2249	2267	2289	2292	2292

EXHIBITS

Prosecution	For Identification	In Evidence
P-260 Photograph (Leiner)	2287	

Defendants'

E	Report by Lieut. Pace, June 16, 1941, to Chief of Ordnance	2162
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Before the
MILITARY COMMISSION TO TRY PERSONS CHARGED WITH
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Washington, D. C.

Wednesday, July 22, 1942.

The Military Commission appointed by the President by order dated July 2, 1942, met, in room 5235 Department of Justice, at 10 o'clock a.m., to try for offenses against the Law of War and Articles of War, the following persons: Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin and Werner Thiel.

PRESENT: Members of the Military Commission, as follows:

Major General Frank R. McCoy, President,
Major General Walter S. Grant,
Major General Blanton Winship,
Major General Lorenzo D. Gasser,
Brigadier General Guy V. Henry,
Brigadier General John T. Lewis,
Brigadier General John T. Kennedy.

As Trial Judge Advocates:

Honorable Francis Biddle, Attorney General of
the United States.
Major General Myron Cramer, The Judge Advocate
General, U. S. Army.

Colonel F. Granville Munson,
Officer of the Judge Advocate General's
Department.

Oscar Cox, Assistant Solicitor General of the
United States.

As Provost Marshal:
Brigadier General Albert L. Cox.

As Counsel for the Accused except George John Dasch:

Colonel Cassius M. Dowell,
Captain William G. Hummel.

As Counsel for the Accused George John Dasch:

Colonel Carl L. Ristine.

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P R O C E E D I N G S

The President. The Commission is open.

Colonel Munson. All the personnel of the Commission are present. All the accused and the reporter are present.

Of the prosecution's staff, Mr. Rowe, Colonel Weir, Colonel Treusch, and Major Thurman are temporarily absent.

Of the staff of the defense, Colonel Royall and Major Stone are temporarily absent, as well as Captain Bruton.

The Attorney General. May it please the Commission, Colonel Royall, as he is temporarily absent, has requested us to withdraw this witness temporarily, and the defense will put on two other witnesses. I have no objection to that. It suits his convenience.

Colonel Dowell. May it please the Commission, the defense had expected that the prosecution would continue until the conclusion of the cross-examination of the witness Herbert Hans Haupt at this time, followed by redirect examination, so arrangements for the defense witnesses' appearance have gone a little awry. They are now being searched out, and I think a five-minute recess would be in order.

The President. We will take a recess for ten minutes.

Will you please notify us when you are ready to resume?

The Attorney General. Very well, General.

(A short recess was had, after which the following occurred:)

The President. The recess is over. Come to order, please. Proceed.

Colonel Munson. What witness, Colonel Dowell?

Colonel Dowell. Eagen.

Colonel Munson. Mr. Eagen, the Military Commission requires, in addition to the oath that is taken by a witness, an oath as to the secrecy of these proceedings, in which you will note that you are bound not to divulge anything that happens in the courtroom that comes to your attention, and which is designed to prevent you from discussing the case outside the courtroom.

The Commission also instructs me to inform you that violation of that oath of secrecy may result in contempt proceedings or other proceedings of a criminal nature; and in taking that oath, you so understand that to be the fact?

Mr. Eagen. Yes, sir.

Colonel Munson. Will you hold up your right hand, please? You solemnly swear that you will not divulge the proceedings taken in this trial to anyone outside the courtroom until released from your obligation by proper authority or required so to do by such proper authority?

Mr. Eagen. Yes, sir.

Colonel Munson. Now the oath as a witness. You swear that the evidence you shall give in the case now on hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Eagen. I do.

JAMES STEWART EAGEN

was called as a witness for the defense and testified as follows:

Question by Colonel Munson:

Q Please state your full name, residence, and occupation.

A James Stewart Eagen, 923 Lothrop Avenue, River Forest, Illinois, President of the Simpson Optical Manufacturing Company.

Colonel Munson. Does the Commission desire to have the Sergeant sit here at this time?

The President. No, it is not necessary, Sergeant.

DIRECT EXAMINATION

Questions by Colonel Dowell:

Q Mr. Eagen, although I shall address questions to you, your answers should be addressed to the members of the Commission.

A Yes, sir.

Q What is your position with reference to the Simpson Optical Company?

A I am president.

Q How long have you been president of that company?

A Since about 1933.

Q Do you know Herbert Hans Haupt?

A Yes, sir.

Q Is he in the room?

A Yes, sir.

Q Where is he?

A Sitting at the table.

Q This is he (indicating)?

A Yes, sir.

Q How long have you known him?

A Since he started to work for us in January, 1939.

Q When did he leave your employ?

A June, 1941.

Q Why?

A Well, he reported to the office that he wanted to travel and thought that that was the time for him to travel, and he wanted to go to Mexico, as I recall it.

Q Had his work been satisfactory?

A Yes, sir.

Q When did you next see him?

A I haven't seen him at all, sir, until today.

Q Do you know whether or not he has applied for re-employment in your company?

A Not through the office, no, sir.

Colonel Dowell. No further questions.

The Attorney General. Have you any questions, Colonel Ristine?

Colonel Ristine. No questions.

CROSS-EXAMINATION

Questions by the Attorney General:

Q How long had Haupt been with the Simpson Optical Company?

A From January 9, 1939, to June 14, 1941.

Q And how long had Wergin been with the Optical Company?

A About the same length of time.

Q And to what extent was Haupt a skilled workman?

A Well, he started in our trainees course in 1939 and

had been trained in many of the operations that are required in optical work.

(At this point Colonel Royall entered the courtroom.)

Q Was he of any great value to the company by being a skilled worker?

A Well, he was valuable to the extent that he had completed about two and a half years of training.

Q How long is the training?

A Well, for an optician the training is about eight years.

Q So he had completed about two and a half out of eight years?

A Yes.

Q Well, did you consider his loss a very substantial loss to the company?

A Well, it would naturally affect us when a man that had been with us that long had to leave.

Q Did you talk to Lieutenant Samuel C. Pace about this man on June 13, 1941?

A I don't recall the gentleman's name that came over from I think it was the Ordnance Department.

Q But you talked to a lieutenant from the Ordnance Department?

A Yes.

Q Did you say to him that Haupt had not learned enough about the trade to be of any substantial value to the employer?

A I don't recall that, no, sir.

Q Did you say something that was substantially that?

A Well, I don't think so, because a man that had been with us two and a half years would be of some value, naturally.

Q Some value?

A Yes.

Q Though in the apprentice state?

A Yes, sir.

Q Would you consider him valuable enough to have his way paid by Germany as a skilled workman, for instance?

Colonel Dowell. I object to the question as evidently calling for the opinion of the witness.

The Attorney General. Well, the opinion of the witness is the value of Haupt's services, and it seems to me that he certainly is entitled to answer with respect to the value of those services.

Colonel Dowell. It is not believed, may it please the Commission, that the witness has in any way qualified as an expert in expressing an opinion as to the needs of Germany.

The President. The question may be answered.

The Attorney General. Would you read the question, Mr. Reporter, please?

The Reporter (reading). "Would you consider him valuable enough to have his way paid by Germany as a skilled workman, for instance?"

The Witness. I don't know as I quite understand that.

Questions by the Attorney General:

Q Let me put the question differently. Would you pay the expenses of a workman of this kind from Germany to the United States so as to be able to use him?

A Not with that amount of training.

Q Not with that amount of training?

A No, it wouldn't be.

(At this point Major Stone entered the courtroom.)

Q Did you say to the Lieutenant that you could not conceive of its being worth the necessary money for Germany to arrange for the transportation of those two men from Chicago to Central America and then to Germany? Did you say that to the Lieutenant?

A No, sir, not that I recall.

Q You did not say that in substance?

A No. The only thing that I was interested in at the time was trying to retain all of our partially and semi-skilled men, because it is impossible to get opticians, and they have to be trained, of course.

Q Did Haupt say anything more to you than that?

A No, just that he was going to travel, and I asked him where he had intentions of going, and he mentioned Mexico.

Q Did he say how long he was going to stay in Mexico?

A Not that I recall, no.

Q Did he say when he was coming back?

A No, he did not.

Q Did he say whether he was coming back?

A I don't recall that, either.

Q Did he say why he was going?

A No; just to travel, and he had heard that living conditions in Mexico were desirable, that it was possible to get employment there.

Q Did he mention Nicaragua?

A He mentioned Central America. I don't know whether he mentioned any particular country.

Q In what way did he mention Central America?

A Well, that he was going to go to Mexico and probably Central America.

Q To travel?

A Yes, sir.

The Attorney General. That is all.

Colonel Dowell. No further questions.

The President. Are there any questions by the Commission? There seem to be none. The witness is excused.

HERBERT JOANNES WILHELM GODHELP HAUPT

was recalled as a witness and, having been previously duly sworn, testified further as follows:

Colonel Munson. You are reminded, Mr. Haupt, that you are still under oath.

The Witness. Yes, sir.

CROSS-EXAMINATION--RESUMED

Questions by the Attorney General:

Q Haupt, I am not clear what you said about this yesterday. Did you say that at no time you had been given a German Army number?

A That is correct, sir.

Q Well, do you know whether or not any of the other of these defendants were given German Army numbers?

A Not that I know of.

Q Not that you know of. Who suggested, if anyone, in Germany that you use your own name when you got to America?

A That was suggested by Walter Kappe.

Q Kappe suggested that you use your own name when you got here?

A That is correct.

Q Did Kappe tell you what to say with respect to where you had been if the question were asked you when you came to America?

A I had one of three stories. He says he wasn't sure if I should use my own name. He says if I did I could say that I had never left the United States, that I had been traveling in the United States and that I did not want to get into the Army and that's why I went away from home; and another story, that I went to Mexico and returned from Mexico.

Q He did not say anything about whether you should say you had been in Japan, did he?

A He did not.

Q Did you say to the F.B.I. that you had been all the time in Mexico?

A I did.

Q When did you say that?

A When I went up to the F.B.I. office.

Q You mean the trip with respect to your registration?

A Yes, with respect to my registration.

Q Not at any other time did you say that to the F.B.I.?

A No, I did not.

Q What did you say to the F.B.I. about being in Japan?

A When? The first time I was up there?

Q When did you say anything to the F.B.I. about being

in Japan?

A Well, I spoke to the F.B.I. twice, and the first time I was up there, when I went up by myself, I told the F.B.I. I had not been in Japan.

Q So at that time you lied to the F.B.I.; is that right?

A I did.

Q When later did you say anything about Japan?

A I told them I had been in Japan when I was apprehended.

Q Did you ever say anything to the F.B.I. about a girl taking the explosives from Florida to New York?

A I did.

Q When did you tell them that?

A After I was apprehended.

Q Why did you tell them about a girl taking explosives from Florida to New York?

A I told them that Edward Kerling was going to get in touch with a girl and Edward Kerling, this girl, and I were supposed to go down to Florida and take the explosives in trunks--in traveling bags, and this girl was supposed to take the explosives to New York.

Q Where was she supposed to take them to New York?

A From Jacksonville to New York.

Q Where in New York?

A That I don't know.

Q Did Kerling tell you that a girl was going to take them from Florida to New York?

A Kerling didn't tell me, because he himself did not know.

Q Well, did you tell the F.B.I. that Kerling had made those arrangements?

A I told the F.B.I. that Kerling had made that statement. He couldn't have made those arrangements.

Q Did Kerling make that statement?

A He did.

Q When did he make it?

A On the U-boat.

Q What day did he make it, if you remember? Was it the day you landed?

A A few days after we heard the gas rationing over the radio on the U-boat.

Q What did you hear about the gas rationing over the radio?

A I personally only heard that the gas rationing was in effect on the eastern coast, on the whole East Coast.

Q You did not hear it was in effect in Chicago, did you?

A I did not.

Q Did anyone hear that the gas rationing was in effect in Chicago?

A On the U-boat Kerling and Neubauer heard--or told me they heard that the gas rationing was to take effect all over the United States.

Q Not just on the eastern seaboard, as I think you previously stated?

Colonel Royall. Objection to the form of the question The President. The witness will not answer until we hear

the objection.

Colonel Royall. If my recollection is correct, the witness has never previously stated that he heard that it was in effect in Chicago, nor has he ever previously stated that Kerling heard it was only in effect on the East Coast. He stated on the previous examination that Kerling told him he had heard it was in effect over the entire United States, and we object to the inference in the question that this is an inconsistent statement.

The Attorney General. Well, I will withdraw the question and simply ask him this.

Questions by the Attorney General:

Q What did you hear on the radio?

3 A When I listened to the radio I heard the gas rationing was in effect only on the coast.

Q Who was the girl that was going to take the explosives from Florida to New York?

A That I don't know.

Q Well, did Kerling say anything about her? Was it a girl that he knew?

A Somebody he was to get in touch with. I don't know who the girl was.

Q You did not ask him?

A No. It was none of my business.

Q It was not your business to ask him?

A No, it was not.

Q Did he say where she was living?

A He did not.

Q Did he say whether he knew her or not?

A I guess he had known her. I don't know.

Q Did he say whether Kappe had given him this girl's address?

A He did not.

Q You know nothing more about the girl, then?

A I do not.

Q When you were in Germany you knew Froehling's address in Chicago, didn't you?

A I received Froehling's address in Germany from Walter Kappe.

Q I did not ask you that. I asked you, didn't you know it, anyway, irrespective of whether Kappe gave it to you? You knew where Froehling, your uncle, lived, didn't you?

A I didn't know the address before I received it in Germany.

Q You knew your uncle?

A I knew I had an uncle, Walter Froehling, yes.

Q I am speaking about the one in Chicago.

A Yes, I know my uncle Walter Froehling in Chicago.

Q Have you ever been to his house?

A I have been to his house many times.

Q Didn't you know his address in Chicago?

A The address that I did know of my uncle was 3855 Whipple Avenue, where he had lived at home when I visited him.

Q When did he change his address?

A I think he moved about a week before I left--a week or a week and a half before I left for Mexico.

Q When were you last at your Uncle's house in Chicago

before you left for Mexico?

A The night before I left--the day before I left for Mexico.

Q Where was that house then?

A That house was 3843 Fremont--3843 Whipple.

Q Where does he live now?

A That is his address now.

Q Well, then, you did know before you left where he was living, didn't you?

A I did not.

Q I do not understand. I thought you said you had been at his house the night before you left for Mexico.

A I had been at his house the night before I left for Mexico. I had his address. I had my folks' address. I had addresses of my friends, and I wrote cards. I wrote my uncle cards from Mexico, and when we were on the Gynio Maru going to Japan I threw all my papers away.

Q And forgot the address?

A Yes, because I had no reason for remembering the address.

Q Although you had been at the house?

A I was at the house only once.

Q And forgot the address since you had been there only once; is that correct?

A In fact, I went to the old address and I asked for my uncle, and the woman who lived in the flat told me he lives three houses down, and I went down there and visited him. I was only at his house once.

Q So, of course, you did not give the address to Kappe?

A I did not.

Q Was part of the plan at the sabotage school for you to register again? I cannot remember what you said about that.

A The plan at the sabotage school was for no one to register, but to get fake registration--real registration cards through friends who are in the United States.

Q I understand that you signed a contract under which your people were to be paid 250 marks; is that right?

A I signed a contract under which that money was to go in a bank in Berlin or to pay my relatives 250 marks in Germany.

Q And who was to pay it?

A This contract? This was paid by Walter Kappe.

Q I do not suppose Walter Kappe paid it personally, did he?

A No, but the contract, when we signed it, there were more signatures, more names on the contract, and they were folded over, and we were not allowed to look at it when we signed the contract.

Q You said Walter Kappe was to pay it. Did you mean that?

A As far as I know, yes; that's the only man that I had anything to do with.

Q Did you expect that he was paying it out of his own pocket?

A No, he was not. It was paid out of funds, I guess, or an organization which we did not see, which was covered up in the contract when we signed.

Q Walter Kappe was in the German Army, wasn't he?

A Walter Kappe was a lieutenant in the German Army.

Q In the Intelligence unit of the German Army?

A That I don't know.

Q Would you say it was an unfair presumption that the German Army was to pay you 250 marks?

Colonel Royall. Objection to the presumption.

The Attorney General. I will change the form of the question.

Questions by the Attorney General:

Q Was it your understanding that the German Army was to pay the money?

A As far as I understood, yes. I wasn't certain.

Q Were you instructed by Kappe to register with the draft?

A I was not.

Q I am referring to page 394 of Burger's statement in which he says--

Colonel Royall. Just a minute. I would like to object, sir. It certainly is not proper to examine one witness even about the testimony of another witness. That is an elementary principle of cross-examination.

The Attorney General. I do not propose to do that.

Colonel Royall. Furthermore, here he is proceeding to examine him about an unsworn confession, which is an even greater violation of the rule of ordinary cross-examination.

The Attorney General. If Colonel Royall would permit me to ask the question, the Commission would have a better idea on how to rule on the question. I have not asked it yet.

Colonel Royall. I know, but you have gone far enough to indicate that it was not a statement signed by this witness, and you cannot examine him about something that some other witness says. You can ask him a question, but you cannot refer him to what some other witness said. At least, I have never seen it done.

The President. The Attorney General will please pose the question as he wishes it to be answered, and then we can consider the question.

Colonel Royall. The reason I objected at this stage--

The President. I am not objecting to your objection. We accept that. I am only asking the Attorney General to finish the question.

Colonel Royall. May I make my position plain on that? The reason I was making the objection before the question was finished was that the harm is frequently done when the question is posed, and it has the effect of arraying one witness against another, which is never permissible, and when the question is asked that difficulty is at once presented.

Therefore, we think that it is not permissible for the Attorney General to refer to a statement of any other witness in examining this witness. That is elementary, as I say, on cross-examination.

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The Attorney General. May I ask the question, Mr. President?

The President. It is hard to say what the question is. Mr. Reporter, will you please read the question, so far as it was asked by the Attorney General?

The Reporter (reading):

"Q I am referring to page 394 of Burger's statement in which he says--"

The President. I think that is sufficient for me to rule that the question in that form should not be asked.

The Attorney General. I will ask it in a different form.

Questions by the Attorney General:

Q Haupt, I now refresh your recollection by referring you to a statement in Burger's confession in which he says--

Colonel Royall. If the Commission please, I think that is sufficient for me to make another objection. I do not think we are playing a game here; we are trying people for a serious offense. That question is clearly as violative of the rules as was the other question. Haupt did not make this statement. There is no suggestion that he did. There is no legitimate reason for referring to the statement to refresh his recollection when he had nothing to do with making it. There can be but one purpose, and that is to array before the Commission a possible conflict in statements, which is improper; and it does not make much difference how you do it; it is still improper.

The Attorney General. May it please the Commission, the conflict is already arrayed before the Commission. Haupt has stated, as I recollect it, that he was not instructed to

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register when he came to this country. You already have this on the record before you. I am asking this witness whether or not, refreshing his recollection with this, he still wants to go on record in the answer that he has made to the Commission. It seems to me highly appropriate.

Colonel Royall. May it please the Commission, in the course of the examination one of the F.B.I. agents made a definite statement and the Attorney General then objected to asking him a second time if that was his recollection or if he still wanted to make that statement.

The Attorney General. I think I was overruled, was I not?

Colonel Royall. No; you were not. Your objection was sustained.

Now he is seeking himself to do exactly what he has consistently objected to in the cross-examination of the F.B.I. agents. This witness has definitely stated on two occasions under cross-examination--we do not object to the second inquiry about it--that he was not instructed to register in his own name. So it ought to be left there, unless we are going to adopt a different rule for the cross-examination of the defense witnesses from that applied to the cross-examination of the prosecution's witnesses.

The President. The objection is sustained.

Questions by the Attorney General:

Q Did you ever hear of Hedy Engermann?

A No.

Q You never heard of her?

A I never heard of Hedy Engermann.

Q It is spelled E-n-g-e-r-m-a-n-n, and the first name

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is spelled H-e-d-y. You never heard of her?

A No, sir; I never heard of Engermann, of Hedy Engermann.

Q Were you given a work or fatigue uniform of the German armed forces assigned to the German Army and told that if you were captured under those circumstances you would be treated as prisoners of war?

A In Germany we were not told that.

Q Were you told it anywhere?

A Those uniforms, those work clothes of the Army, were to be used on getting on to the submarine, so that the French and British agents in France would not see civilians going on a German submarine; and the idea then arose between Walter Kappe and the captain of the U-boat that if we wore the uniforms while landing we would become military prisoners of war.

Q That idea arose when Kappe and you and the captain of the submarine were talking before you left, I presume?

A Kappe never talked to me about that at all.

Q Then the idea arose between Kappe and the captain of the submarine before starting; is that right?

A It did.

Q Did you at any time renounce your American citizenship in Germany?

A I never did.

Q Even when you got the German passport?

A I never renounced my American citizenship.

Q You said, I think, that you had 50 dollars when you got to Mexico City?

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A Approximately 80 dollars.

Q How long did you live on that 80 dollars?

A I had about \$20 left when I went on the Japanese ship to Japan.

Q I asked you how long you lived on the \$80.

A That was about--I will tell you exactly--a little over a month.

Q Did anybody give you any more money?

A I received a little bit of money from Hans Sass when we lived at the same place with him; he helped us along a little bit.

Q How much money did you receive from him?

A About ten dollars, 50 pesos.

Q Was it his personal money that he gave you?

A It was.

Q When did you first find out that there was to be a meeting in New York on July 6 at the Knickerbocker Hotel?

A I never found out that there was to be a meeting in New York at the Knickerbocker Hotel on July 6.

Q In Chicago. I beg your pardon.

A I found that out from Hermann Neubauer.

Q When?

A When he came to Chicago, the first meeting I had with him, on Sunday.

Q What day was that?

A It was Sunday, the 20th of June.

Q What did he tell you about that?

A He told me that Eddie and he were going to New York.

Q Eddie being whom?

A Berling--and Thiel; they were leaving for New York

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and they were going to go to Cincinnati to a hotel in Cincinnati--I forget the name now--and after they were there at the hotel they were going to meet Dasch and Kerling was to bring Dasch to the Knickerbocker Hotel in Chicago on the 6th of July.

Q Those were orders that had come from Kerling and Neubauer to you?

A They were not orders. That was a statement.

Q The statement had come from Kerling and Neubauer to you; is that right?

A It was not a statement of anything that Neubauer was to tell me. It was nothing important. He just told me they were going to come to Chicago.

Q It was not important; he just happened to repeat that to you?

A It didn't seem important when he told me.

Q When had Kerling told him to tell you that?

A As far as I know, he had never told him to tell me that.

Q When had he told Neubauer that you were to meet on the 6th of July?

A He didn't say I was to meet on the 6th of July.

Q When had he told Neubauer that there was to be a meeting on July 6?

A Some time while Neubauer was with him; I do not know when.

Q Neubauer did not tell you when?

A No, sir; Neubauer did not tell me when.

Q I think I asked you, but I am not certain about it. Did you say to your father that you had a big job and that you

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had a secretary working for you, for the German Government?

A I did not. I was going to tell you yesterday, but I was stopped, about what might have given him that idea. When I was in Paris at the hotel, when we received an overcoat, a hat, and shoes, there were about 40 or 50 people who were interned in France some time before the French campaign, and they were returning to Germany and they were at this hotel. They were mostly women and children; and I worked together with the secretary of the man who ran this hotel and made out formulas for them, and they went back with me to Saarbrücken, Germany--also the secretary; and I went with the secretary as far as Berlin.

Q Did you say to your father that you had been called to Berlin where they gave you a course in a military school for intelligence work?

A I did not.

Q Did you say to your father that you went through hard training on how to blow up factories, bridges, depots, etc.?

A That I did not tell him. I told him we went through a school in Germany in connection with our work that we were supposed to do in the United States.

Q Did you say to your father that when close to the coast of Florida a rubber boat was set afloat from the submarine and two sailors rowed you and three others to the coast? Did you say that to him?

A I told him that one sailor rowed us to the coast.

Q Did you say to your father that you had a German marine cap?

A I told my father we had a German marine artillery

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cap.

Q A marine artillery cap?

A That is what the caps were.

Q Did you say that in case you got caught you would only be taken as a German prisoner of war? Did you say that to your father?

A I said that. What I told my father was that it was the idea of the captain of the U-boat, but I didn't think if we had an army cap on and dressed in swimming trunks you would be considered a soldier.

Q Did your father say to you in connection with the green zipper bag, "What is in that bag?"

A He did not ask me. I told him what was in the bag.

Q What did you tell him?

A I told him there was money in the bag.

Q Did you tell him how it was kept in the bag?

A I told him it was in a false bottom.

Q Whom did you ask to keep the bag?

A I asked my uncle Walter Froehling if I could leave the bag at his house, and he said I could.

Q Did you say to your father that they were to have a meeting on July 6, 1942, at the Knickerbocker Hotel, and that the men were coming from New York and that the head boss would be there?

A I did.

Q At that time did you say to your father that he would give those zipper bags to the head boss, or you would give the zipper bag to the head boss?

A I didn't use the words "head boss," but I told my

8w

father that I would give the zipper bag to the leader of our group.

Q I will substitute the word "leader" for the words "head boss." Did you say to your father that the leader was to take the bag to New York and give it to a banker to get the money changed into American money?

A I did.

Q You did say that?

A I did.

Q Who had told you that you were to change it into American money?

A It was American money. I had heard a statement once made by Kerling that he knew somebody in a bank who would change the money.

Q Who was it in that bank? Did Kerling tell you?

A No; he did not; he just told us that he knew somebody in a bank who he knew, who would change the money into other currency.

Q What bank was it?

A That I don't know.

Q When did you hear that about changing the money; at what time on your trip?

A It was some time on the U-boat; I do not know when.

Q The banker was the president of the bank, had you heard?

A No; I did not.

Q Did you say to your father, "This banker is president of a bank in New York and works with the German Government hand in hand"?

9w

A I did not.

Q You did not say that to your father?

A No, sir.

Q Did Wergin say in your presence and in the presence of your father, "If you need me I am willing to go along. Just let me know. I am not dumb; I know how to help you out"?

A Wergin said something to that effect, but with other wording.

Q I think you said you discussed, or you did say something about your discussion as to the method in which freezing plants were operated?

A What sort of plants?

Q Freezing metal plants.

A Freezing metal plants? I have never heard of them.

Q I asked you whether you discussed it with Wergin?

A I do not know what you mean by freezing metal plants, and I have never discussed it with Mr. Wergin.

Q You never discussed it with him?

A I never did.

Q Did you discuss any sabotage with Wergin or tell him how plants could be sabotaged, for instance?

A Not that I recall.

Q You probably would recall it, would you not?

A I spoke mostly to Mr. Wergin about his son. He was mostly interested in his son and his safety.

Q I was not asking you about your discussion with reference to his son; I was asking you whether or not you would probably remember if you discussed with Wergin sabotaging plants.

10w

A I do not remember ever having discussed it with Wergin.

Q Would you say positively you never discussed that with him?

A I might have. I say, I do not remember.

Q Did you see all the other seven defendants at the sabotage school in Germany?

A Yes; I have seen all the other seven defendants in the sabotage school in Germany.

Q All through the three-week period, off and on. They were all there, were they not?

A They were all there.

The Attorney General. That is all.

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Colonel Royall. Shall I proceed?

The President. Proceed.

REDIRECT EXAMINATION

Questions by Colonel Royall:

Q Mr. Haupt, I believe in the cross-examination yesterday and today there was only one matter in which you contradicted yourself, and that was about the hotel register; is that correct?

A It was.

Q You stated, I believe on your first examination, that you did not put any street address?

A I stated I thought I put only my name and the city where I came from.

Q You now see that you did put the address 4444 Western Avenue?

A I did.

Q When you first testified, you did not recall that you had put the street address there?

A I did not recall.

Q How long had you lived at 4444 Western Avenue before you moved, shortly before you left?

A We had lived at Western Avenue approximately three years.

Q Were you known at that address and in that neighborhood?

A I was well known in that neighborhood and at that address.

Q If the persons in that neighborhood or at that address were approached, would they have known where you had moved to?

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A Most every one would have known.

Q I do not recall what, exactly, you said about the uniform that was given to you when you came ashore. I did not get that, and the Attorney General asked you something about the type of uniform--whether it was a naval uniform, or something of that kind. What did you say in answer to that?

A I said the uniform--they have two types of jackets, one with naval buttons and one without naval buttons. Mine did not have naval buttons; plain buttons; and those clothes were given to us in Berlin.

Q Do you know what clothes they were or whom they were used by?

A Workmen.

Q Mr. Haupt, you stated in answer to a question of the Attorney General that you did not learn until you saw Neubauer that the group was probably going to meet on July 6; that is right, is it not?

A That is right.

Q Did you know before you got off the submarine that there was to be some future meeting before any sabotage was engaged in?

A I knew there was to be a meeting at the hotel--the Gibson Hotel in Cincinnati; and I knew from instructions from Kappe that he says there was to be no sabotage for about three months, until you had papers and everything which you got from friends over here.

Q You did not know until you saw Neubauer that there was to be the meeting in Chicago and that the date was to be

03

June 6; is that correct?

A July 6. I did not know.

Q I meant July 6; I should have said that.

You were asked by the Attorney General a number of questions as to the identity of various persons whom you heard discussed in Germany--that is, persons living in America--and I think in most instances you gave the full names; but there were one or two you did not definitely recall. One of them, I believe, was a lawyer. Have you recalled any further names of that kind that might be helpful to the Attorney General?

A The lawyer had two names: one was on the passport card, and one was his right name. I remember one name--Arwold--and he was a member of the All American organization in New York.

Q Not in connection with this case, possibly, but for the benefit of the Attorney General, what name was on the passport?

A If I have time to think it over--I tried to recall this morning. I knew that one of the names is Arwold, and I don't know which the other one is.

Q You do not know whether this name on the passport was his correct name?

A I don't know if that is the real name or a fictitious name.

Q If you later recollect anything about that, will you call it to my attention?

A I will.

Q Do you remember anything about the passport? The date of it or where it might have been issued?

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A I never saw the passport, but I met the man on the Gynio Maru, going to Japan.

Q I believe the only other one I recall that you did not remember is Arwold. You did not ever know his name?

A I never knew his name.

Colonel Royall. I think that is all.

The President. The Attorney General?

RECROSS EXAMINATION

Questions by the Attorney General:

Q I am not clear about just when you lived where in Chicago. I should like you to go back and state, for the five or six years before you left for Mexico, what your addresses were in sequence.

A I believe we lived for three years, from 1936 to 1939, at 4444 Western Avenue. My mother then took a trip to Germany, and my father and I went to live at Froehling's house, 3855 Whipple Street.

Q 3655?

A 3655 North Whipple.

Q That was the second address.

A And when my folks came back, I believe we went to live out in Glencoe.

Q In Glencoe?

A Glencoe, Illinois.

Q At what address?

A That I don't remember; it was on Hoffelder Road.

Q How do you spell it?

A H-o-f-f-e-l-d-e-r Road.

Q Do you remember what block number it was in?

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A I don't remember; there were only four or five houses on the road.

Q Where else did you live?

A My folks were working out there in Glencoe, and they lost their job, and we moved in with some friends in Maywood.

Q Maywood?

A At Bartler's--Carl Bartler.

Q What street?

A I don't know or recall the number of the street.

Q When was that?

A That was just prior to the time we moved to 2234 Fremont Street.

Q When did you move to Fremont Street?

A A few months before I left for Mexico.

The Attorney General. That is all, Mr. President.

The President. Are there any questions by the Commission?

EXAMINATION BY THE COMMISSION

Questions by the President:

Q You stated that in connection with Kappe's activities you signed a contract which promised, on the one hand, that a certain sum of money would be placed in bank or paid to your family each month. The question of the Commission is: What was the consideration for which this money was to be paid? In other words, what did you contract to do in return for the payment of this money?

A Contracted? We had contracted to do nothing. We had not taken an oath. It was their trust. They had put trust in us to come over to the United States and do sabotage.

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They figured--First, they were not going to make a contract. They were going to promise you a sum, 20 to 30 thousand marks, after the war was over; and, as far as I know, some of the men are married and have children, and they figured they could buy their heart and soul easier by promising them money, telling them they were going to put money in the bank or give it to their family before they left; and this contract was drawn up only in case Walter Kappe, who was a lieutenant in the infantry uniform, as far as I can recall, might be shipped from his present job out to the Russian front and might get killed, and these officers might all be pushed around in different places, and they will forget about you, and this contract is there so in case you come back to Germany, you can always refer that you were in the United States, and if you show what you had accomplished in the United States, that money would be turned over to you.

Q That was in the contract, was it?

A It was not in the contract that these officers might be shipped to different places, but that was the purpose of the contract.

Q Was that explained to you?

A That is what they have told me, yes.

Q Did they read the contract to you to that effect?

A No, they called us into a room one at a time, because the contracts varied, and they asked us to read the contract, and if we were satisfied with the contract; and if we were not satisfied, I do not know what they would have done--if they would have raised the amount of money or not--but in the contract it stated that the V man--V is for trust--

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vertrauen--the man in trust--so and so--going to the United States will have the amount, this certain amount of money, put on this bank or sent to his relatives, whichever he wants, every month; and at the return of his--at his return to Germany, he will receive a job, which there are lines you leave open. You can mark in there whatever you want; and then they had some signatures on the bottom. The contracts were already signed by other men whose signatures we were not allowed to see, and then we affixed our signature upon the contract.

Q What did you indicate you would like to serve as on your return to Germany?

A I indicated I wanted to work as an optician.

Q Did you do this of your own free will?

A Yes and no. The question was put to me this way: The second time I came up to Walter Kappe's office--it was not his office, as far as I know; it was the editors of the *Kaukasus*--that was the plate outside the door--he stated to me that I could never amount to anything in Germany, and they were always bothering me.

He says if I noticed I couldn't get work in Germany, and my mother's brother, Otto Froehling, who was a barber, had been put in concentration camp for something he said in the barber shop, or other, and that my father's brother, his name is Erich Haupt--had been in concentration camp and was left out the time my mother was in Germany. My mother knew he was in concentration camp, and my mother tried to talk to him why, and he would never answer; he would never open his mouth.

And my other relatives are not members of the Party, so

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everything was against me in Germany, and as I had not come there of my free will, I was hired as a sailor on ship. He said this was the only way I could amount to anything, and I agreed.

Q I understand, then, that you signed this contract when you first went to the office of the publication?

A No, sir; this contract was signed after the schooling and a few days before we left for Paris.

Q What was the contract you had reference to that you signed when you went to the office of the publication?

A Oh, that was--The first time I went to the office, I did not sign anything; I told the story of my voyage; and the second time I was called to the office, I signed a paper of secrecy, that I would not divulge any of this to my relatives in Germany, or anybody, under punishment.

Q Did you read that agreement that you signed?

A I did.

Q Were you put under oath when you signed it?

A No, I was just given this form, and he--first he paid me a hundred marks, and I had to sign a receipt for the hundred marks.

Then he gave me another paper which was secrecy for whatever he had told me there--whatever he had said. I promised not to say a word to any relatives or to anybody--not the police, Gestapo, or anybody--as long as I lived.

The President. Are there any other questions by the members of the Commission? There seem to be none.

Colonel Royall. Would I be permitted to ask one or two additional questions in connection with a matter about which he was questioned by the Commission?

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The President. Yes.

FURTHER REDIRECT EXAMINATION

Questions by Colonel Royall:

Q Herbert, at the time you signed the contract did you intend to come to America and commit sabotage?

A I never intended to commit sabotage. I intended to come to America but never to commit sabotage at all.

Q Was it necessary for you to sign a contract in order to get to America with the group?

A It was necessary to sign the contract.

Colonel Royall. That is all.

The Attorney General. May I also be permitted to ask a few more questions?

The President. Yes.

FURTHER RECROSS EXAMINATION

Questions by the Attorney General:

Q Did the second contract you signed--not the one you signed about the secrecy--bind you to do the best you could for the Fatherland?

A It was not a binding contract because they could never keep check on you--what you were doing.

Q I did not mean your conclusion, but did the contract have a phrase stating that you would do the best you could for the Fatherland?

A The only phrase the contract had was the contract stated you were a V man, and V means vertrauen, a man in trust from Germany.

Q Would you answer the question?

A That is all that it had in the contract.

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Q It did not say anything about doing your best for the Fatherland?

A It did not.

Q When was your mother's brother in the concentration camp?

A My mother's brother was in the concentration camp at the time I was out in Germany.

Q When was he first put in a concentration camp?

A I guess--I cannot answer that exactly.

Q Do you know how long he had been there when you got to Germany?

A A short time, but he is in for quite a long time.

Q When did he get out?

A He is not out.

The Attorney General. That is all.

EXAMINATION BY THE COMMISSION

Questions by the President:

Q A question by the Commission. What do you believe would have happened to you if you had told Lieutenant Kappe you would not come to America to do sabotage?

A In the position that I was, not being a German citizen and having trouble with German officials--well, I can't definitely state what would happen to me. I would have probably went to a concentration camp or--that is about all they could have done to me.

Q Did they not ever state what they would do to you under such conditions?

A No, but Kappe had stated that they would pick up my

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friend, who was an American citizen, who was 19 years of age, Wolfgang Wergen, if I did not cooperate.

Q Did he not say anything about what he would do to your family?

A No; that is taken for granted after you have been in Germany for a few months.

Q Why did he specialize so on your friend?

A Because I had traveled with my friend from the United States, and he knew that his folks were also over in the United States.

Q He seemed well informed on all the conditions with regard to both your families, did he?

A When you reenter Germany from France or from any point, you have to go through a certain office which is the A.O., which is the Ausland Organisation, which means foreign organization. All Germans coming from foreign lands have to go through this office, and they give you a questionnaire: How much money do you have, where you came from, and everything; and as far as I understand it, those offices were at the disposal of Walter Kappe, and he had all records and things from those offices.

Q Did he show you the one you had signed? The questionnaire you had signed?

A He did not.

Q Do you remember the questions you answered on that questionnaire? I suppose that was what you had reference to at Saarbrücken?

A At Saarbrücken.

Q Yes. Do you remember the questions that were put

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to you there and which you signed at that time?

A I remember most of the questions. What was your name, age, description, and how much money you have--how much foreign currency and how much German money--how much clothing you are bringing into Germany, how many relatives you have and where they are located in Germany; and they ask you if you have--one question is, If you haven't any relatives in Germany, would you be willing to go into a certain home, and what destination you have, and what you want to do in Germany, and if you are a member of the Party, and if you are not, your citizenship; and that is about all.

Q What did you say in answering about your citizenship?

A American. That is why I didn't get work--a job--in Germany. I received more than once blanks from the German officials. I don't know what department sent me those. They wanted me to come to the Stadt-Ratt in Stettin to see about my citizenship if I wanted to become a German citizen.

The President. There seem to be no further questions on the part of the Commission.

The Attorney General. That is all.

Colonel Royall. That is all.

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11:20 am

Lieutenant Page. Mrs. Jordan, a witness for the defense. Miss Hall has been sworn. Mrs. Jordan has not been sworn.

Colonel Munson. Mrs. Jordan, the Military Commission before which you are now appearing requires each person so appearing to take an oath of secrecy as to these proceedings, that you will not divulge outside the courtroom anything that you hear in the courtroom; and it directs me to inform each witness who appears before the Commission that violation of that oath may result in punishment by contempt proceedings or by some form of criminal proceedings.

In taking that oath, therefore, you will understand that as the fact?

Mrs. Jordan. Yes.

Colonel Munson. Will you hold up your right hand? Do you solemnly swear that you will not divulge the proceedings taken in this trial to anyone outside the courtroom until released from your obligation by proper authority or required so to do by such proper authority, so help you God?

Mrs. Jordan. I do.

Colonel Munson. Now take an oath as a witness. You swear that the evidence you shall give in the case now on hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. Jordan. Yes, sir.

AGNES JORDAN

was called as a witness for the defense and testified as follows:

Questions by Colonel Munson:

Q What is your full name?

A Agnes Jordan.

Q What is your residence?

A 2038 Cullion Avenue, Chicago, Illinois.

Q Are you employed or are you a housewife?

A Housewife.

DIRECT EXAMINATION

Questions by Colonel Dowell:

Q Mrs. Jordan, how long have you lived in Chicago?

A I guess about thirty years, thirty-five years.

Q Remember you are speaking to the Commission. I will ask you the questions, and you speak to the Commission.

Do you know Herbert Hans Haupt?

A Yes, I know him.

Q Is he in the room?

A Oh, there he is (indicating).

Q You know him. Do you know the Haupt family, his father and mother?

A Well, I met the mother about three times and the father I met maybe a few more, maybe about five times, I guess.

Q You have been living there continuously for thirty years, you say?

A Well, no, we have lived in Chicago for a few years at a time.

Q Were you living there in 1941?

A Yes, sir, I was.

Q Do you remember when you last saw Herbert Hans Haupt in 1941?

A It was about in April, I think--in April or May. I think it was April.

Q In April or May, you think?

A Yes. I believe it was April, though.

Q Did you have a conversation with him?

A Yes, sir, I did.

Q Please state what that was.

A Well, I met him on the street. He asked me what I heard from Lawrence. I told him. He said he was waiting for the drug store to open to get medicine for his mother.

Q Who was Lawrence?

A That's my son.

Q How many sons have you?

A Two.

Q Where are they?

A Well, Lawrence is in the Philippines. One is missing.

Q What is the other's name?

A William.

Q Were they friendly with Herbert Haupt?

A Well, Lawrence knew him pretty well, but Bill didn't know him very well. Bill met him a few times at the house, not very often.

Q Lawrence was the one who was most friendly with him?

A Yes. Lawrence went with him quite a few times.

Q What did you call Lawrence ordinarily?

A Well, they called him Larry for short.

Q Larry Jordan?

A Yes, sir.

Q Was that the last time you saw Herbert Haupt in 1941?

A No. He called to my place three weeks yesterday, I believe.

Q That was in 1942?

A Oh, yes.

Q Was that the next time you saw him, when he called at your place?

A That was the next time.

Q And why did he call there? What happened when he called there?

A Well, he called and wanted to know what I heard from Lawrence, and we talked a little about it and looked at his picture. We asked him where he had been. He said he came back from Mexico.

Q Let us go to the time you saw him last in 1941. What did he tell you he was going to do?

A Oh, he told me then he was going to South America.

Q Did he tell you anything further than that?

A No.

Q Why he was going?

A No.

Colonel Dowell. No further questions.

CROSS-EXAMINATION

Questions by the Attorney General:

Q When did you see him in 1942, Mrs. Jordan?

A I believe it was three weeks ago today.

Q Where did you see him? Did he come to see you?

A Yes, he came to my house.

Q What did he tell you besides the fact that he had come back from Mexico? Did he tell you anything else?

A Well, he says he had been down to the draft board and registered.

Q Did you ask him if he had been anywhere else except Mexico?

A No, I didn't ask him any questions, just what he told me. He inquired mostly about my boy.

Q Did he tell you why he had been down to the draft board?

A No, he didn't. He said he went down to register and everything was all right now.

Q Did he say anything about the F.B.I.?

A Well, I don't remember that he did.

Q You do not think he mentioned the F.B.I.?

A Well, now, he may, but I really don't remember that he did.

Q If he did, in what connection would he have mentioned it, do you think?

A Well, I took it to be that he said he went down to the draft board and he registered now and everything is all right.

Q He did not say anything about going over to the F.B.I.?

A Well, I don't remember that he did, now.

Q Was anybody else there?

A Yes, my husband was there.

Q How long did the talk last, about? About how long was he there?

A Well, about ten minutes, I guess.

Q Did he say he had been to Japan?

A No, he did not tell me that.

Q He did not say he had been to Germany, did he?

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A No, he did not. He just told me he had been to Mexico.

The Attorney General. That is all.

Colonel Royall. That is all.

The President. The witness may be excused.

I would like to consult both sides as to a recess. I do not know how it affects your personnel, but do you think you should have a recess?

(After an informal conference, the following occurred:)

The President. We will recess for ten minutes.

(A short recess was taken, after which the following occurred:)

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11:40
a.m.

7/22/42
Wilfong
fls Cincinnati
11:40

The President. The Commission is open. Proceed, please.

Colonel Royall. May it please the Commission, we desire to offer in evidence a confidential report, certified to be a true copy, signed by D. Armstrong, Colonel, Ordnance Department, Executive Officer, referring to a report received from First Lieutenant Samuel C. Pace, Assistant Intelligence Officer. Our information is that Lieutenant Pace, who I think is now a captain, is confined in a hospital and not available as a witness. We offer in evidence this letter from Colonel Armstrong relative to the report of Captain Pace.

The President. If there is no objection on the part of the prosecution, it will be admitted in evidence.

The Attorney General. No objection.

(Report submitted by Lieutenant Pace, dated June 16, 1941, to the Chief of Ordnance, together with accompanying papers, was marked Defense Exhibit E and received in evidence.)

The President. Do I understand that you are going to read this letter?

Colonel Royall. I would like to do so, sir.

The President. Proceed.

(DEFENSE EXHIBIT E)

"CONFIDENTIAL

WAR DEPARTMENT

OFFICE OF THE CHIEF OF ORDNANCE

WASHINGTON

"July 22, 1942

" MEMORANDUM FOR Captain Hummell
Department of Justice

"Subject: Report Submitted by Lt. Samuel C. Pace, Asst. I. O., on Mr. Wolfgang Wergen and Mr. Herbert Haupt.

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"1. In accordance with your request, there is transmitted herewith copy of a report received this date from the Chicago Ordnance District, same subject as above.

"For the Chief of Ordnance:

"L. A. Codd
Lt. Col., Ord. Dept.
Executive Assistant

"2 incls.
Ltr-Chic. Ord. Dist.
Report, same subject
as above."

"CONFIDENTIAL

WAR DEPARTMENT

CHICAGO ORDNANCE DISTRICT

FIRST NATIONAL BANK BUILDING

CHICAGO, ILLINOIS

"July 20, 1942

"SUBJECT: Report Submitted by Lt. Samuel C. Pace,
Asst. I. O. on Mr. Wolfgang Worgen and
Mr. Herbert Haupt.

"TO Chief of Ordnance
War Department
Washington, D. C.

ATTN: SPOGS - Lt. Col. L. A. Codd

"1. Attached is a true copy of Confidential letter from General Armstrong, subject same as above, which was dispatched on June 16, 1941.

"2. Captain W. B. Hummel telephoned this office today to ask for information on a visit by an officer of this District to the Simpson Optical Company in June 1941.

"3. Captain Hummel was advised that report was made to the Chief of Ordnance on June 16, 1941; that a true copy of such report would be sent today to the

Chief of Ordnance.

"For the District Chief:

"Wm. J. Mather
Lt. Col., Ord. Dept.
Assistant"

"CONFIDENTIAL

WAR DEPARTMENT
CHICAGO ORDNANCE DISTRICT
38 South Dearborn Street
CHICAGO, ILLINOIS

"June 16, 1941

"SUBJECT: Report Submitted by Lt. Samuel C. Pace, Asst. I.O., on Mr. Wolfgang Wergen and Mr. Herbert Haupt.

"TO: Chief of Ordnance
War Department
Washington, D. C.

"ATTN: Public Relations Division.

"1. The following report, dated June 13, 1941, has been made to the Chicago Ordnance District by 1st Lt. Samuel C. Pace, Assistant Intelligence Officer:

"Today I went to the plant of Simpson Optical Company at 3208 West Carroll Street, Chicago, where I interviewed Mr. Wolfgang Wergen and Mr. Herbert Haupt, workmen in the factory, in the presence of Mr. J. Stewart Eagen, President. I also spoke to Mr. Eagen separately.

"Wergen and Haupt are leaving their jobs June 14th to start soon thereafter by auto to Mexico, Guatemala, Nicaragua, and possibly other countries in Central and South America. They expect to drive to Mexico City, thence to Vera Cruz, where they will ship the car to a Central American port, but they will proceed by rail to Guatemala and thence to Nicaragua. They plan

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to be in Mexico only a week or two, but to stay in Nicaragua for a period of several months, perhaps six. They said they have friends in Nicaragua who can give them some kind of work, apparently of an unskilled nature, but nevertheless something to keep them occupied and provide a way of meeting part of their living expenses.

"They state, and this is verified by Mr. Eagen, that there is no precision optical work to be obtained in any of the Central American countries, north of Montevideo, Uruguay, and they did not express any certainty as to whether they would go there.

"Mr. Eagen said privately that Wergen and Haupt had not learned enough of the trade to be of any substantial value to an employer. Wergen has had experience only in blocking optical flats. Haupt has done this; he also has done some grinding and polishing.

"Their departure is considered by Mr. Eagen to be of no great loss because of their being still in the apprentice stage, each of them being employed for about a year and one-half and each making about forty-five cents an hour.

"Mr. Eagen said specifically in answer to my question, that he could not conceive of its being worth the necessary money for Germany to arrange for the transportation of these young men from Chicago or Central America to Germany. Therefore, assuming Mr. Eagen's opinion to be competent, it seems there is no possibility of any plan to transport Haupt or Wergen to that country because of their skill in the trade. For obvious reasons, it

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seems unlikely they would be transported for their use as soldiers.

"The principal purpose of the conversation was to try to induce the boys to remain on the job for at least a few more months, and to try to reach a conclusion as to whether they might have been induced by an enemy of the United States, with or without their knowing the fact, to quit their jobs and thereby embarrass to some extent the defense activities of the Simpson Company. Simpson has no prime contracts with the Government, but they are making items which go into the Norden Bomb Sight and other defense material made by such companies as Bell & Howell, Minneapolis Honeywell Company, David White and Keufel & Esser for various agencies of both the Army and the Navy.

"The boys said they would go ahead with their plans. It is the opinion of Mr. Eagen that this is primarily a case of youthful wanderlust, I can see no definite reason to disagree.

"Both Wergen and Haupt were born in Germany, but have been in this country since boyhood. Haupt visited relatives in Germany in 1936, while Wergen has not been outside of the United States since boyhood. Both say they are American citizens. They have applied for passports to enable them to enter the Central American countries, and they expect these passports to arrive in Chicago within the next few days.

"Wergen was born March 25, 1921, and Haupt December 21, 1919. Neither is registered for the draft.

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They state that if they are in a foreign country on registration day they are not even obliged to register for the draft, according to the law, unless the United States is formally at war.

"It is recommended, also, that this information be conveyed to the Chief of Ordnance, Industrial Service - Production, with the thought that the agencies of the Government established to deal with labor, take steps to make it difficult or impossible for persons engaged in defense industries to leave the United States."

"For the District Chief:

"D. Armstrong
Colonel, Ord. Dept.,
Executive Officer.

"cc -A.C. of S. G-2 - Hq. 6th C.A.
Industrial Service -Production

"A TRUE COPY"

"Wm. J. Mather
Lt. Col. Ord. Dept.
Assistant"

Now, may it please the Commission, in view of the testimony of the defendant Haupt himself, and of Mr. Eagan and Mrs. Jordan, and in view of this letter, the defense does not deem it necessary to offer any other testimony, certainly at this time, in the Haupt case. I will say, in fairness to the Commission--the prosecution already knows these facts--we have here under subpoena Mrs. Haupt and Gerda Stuckmann or Mrs. Melind. Of course if the prosecution desires to examine them they naturally could do so. We desire, however, to state to the Commission that if the Commission thinks it desirable for any reason to examine either Mrs. Haupt or Mrs. Melind, they are available for that purpose. If it is not the Commission's

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desire to examine them, we will proceed with one of the other defendants.

The President. Have you any intention that you care to express at this time, Mr. Attorney General?

The Attorney General. No, except to say that we do not desire to call them. We have put in our case, and we would like very much to send them back, unless there is some reason for the Commission desiring to talk to them. If so, we should prefer to have the Commission talk to them now. We do not think they ought to stay around Washington.

The President. There seems to be no desire on the part of the Commission to question them.

Colonel Royall. I do not think it is at all probable that we will need them. There is a bare possibility, if something develops in the Haupt case. In that event we will take our chances of getting them back here. We do not desire to retain them here on account of that bare possibility.

The same situation applies to the witness Walter Froehling, who is also here, and we have no desire to retain him here further unless the Commission or the prosecution desires to question him.

The Attorney General. We do not wish to question him, and we would like to have him returned, unless the Commission wishes to question him.

The President. I do not think the Commission desires to question him.

The Attorney General. Shall we send him back?

The President. Yes.

Colonel Royall. May it please the Commission, the defendant Herbert Haupt, having expressed to his counsel the

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desire to have his mother examined as a witness, in deference to his feelings we desire to change our minds, Colonel Dowell and I, and offer her as a witness.

The President. The Commission feels that possibly the others should be retained here, then, in view of what might develop as a result of this witness being retained.

Colonel Royall. That certainly would seem to me to be a reasonable mode of procedure, and if the Commission desires it, it would be followed anyhow. We have no objection to that.

The Attorney General. We have so directed.

Attig fls
at 12 m.

Attig
fls.
Wilfong
noon,
7/22.

(At this point Colonel Treusch entered the hearing room.)

(Mrs. Anna Emma Haupt entered the hearing room.)

Colonel Munson. Mrs. Haupt, the Military Commission before which you are now appearing requires that an oath of secrecy as to these proceedings be taken, so that no witness who is in the courtroom may divulge anything that is said in the courtroom after leaving the courtroom or may not discuss with anyone else the proceedings that are had.

The Commission directs me to inform every witness so appearing that violation of that oath may result in contempt proceedings or other proceedings of a criminal nature. In taking the oath, therefore, you understand that to be the fact?

Mrs. Haupt. Yes, sir.

Colonel Munson. Hold up your right hand, please.

Do you solemnly swear that you will not divulge the proceedings taken in this trial to anyone outside the courtroom until released from your obligation by proper authority or required so to do by such proper authority, so help you God?

Mrs. Haupt. I do.

Colonel Munson. Then, the oath as a witness:

Do you swear that the evidence you shall give in the case now on hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. Haupt. I do.

Colonel Munson. In talking, remember that you have to talk so that the Commission can hear you and the defendants in the room can hear you. Talk loud; do not be afraid.

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ANNA EMMA HAUPT

was called as a witness for the defense and testified as follows:

Questions by Colonel Munson:

Q What is your full name and residence?

A Anna Emma Haupt.

Q Where do you live?

A In Chicago.

Q You are the mother of Herbert Haupt?

A Yes, sir.

Q Who is present in the courtroom?

A Yes, sir.

Q Where is he?

A (The witness indicated.)

Q Did you give your street address in Chicago?

A 223 1/2 Fremont Street.

Q Herbert Haupt, sitting beside counsel, is your son?

A Yes, sir.

DIRECT EXAMINATION

Questions by Colonel Dowell:

Q Mrs. Haupt, how long have you lived at your present address in Chicago?

A The address we are living at right now?

Q Yes.

A It has been a year in May.

Q Where did you live before that? Do you remember the address of the house where you lived before that?

A Before I came to--

Q (Interposing) You lived in Chicago before that, did

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you not?

A Yes, sir.

Q What was the address of the house from which you moved to the present address?

A Ainsley Street.

Q Do you remember the number?

A I don't recall the number.

Q When did you last see your son in 1941?

A In the beginning of June.

Q June of 1941?

A Yes, sir.

Q When was the next time you saw him?

A On June 19, I believe it was--June 19, 1942.

Q June 19, 1942?

A Yes.

Q Mrs. Haupt, I wish you would tell the members of the Commission--they are seated up here; speak so that they can hear you and so that we can hear you back here--the circumstances surrounding the departure of your son and his return. Tell exactly as they happened.

A I will.

Q Will you tell in your own way, please?

A It was last year in May. I was sick in the hospital, and my son came to visit me, and he told me that he was planning to go on a vacation, and I asked him why he wanted to go on a vacation.

Well, he said he never had been any place, never had any vacation, so he was planning to see Mexico with his friend.

I believe he left the 10th--9th or 10th--of June for his

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vacation; and after he had been gone two days, his girl friend came to my house and told me that she was an expectant mother and Herbert was the father, and she asked where Herbie was, and I told her that Herbert left for a vacation and that I received a card from St. Louis, I believe it was, or Oklahoma.

Then I got a letter from my boy that he was in Mexico, and I told him that his girl friend was in my house and told me that she had trouble and he should come back.

Then I received another card from him from Mexico and a letter telling me how beautiful Mexico was and what a nice time he had there.

Then I had a cable from Tokyo in August that he was in Tokyo. Then I never heard from my son till he returned to Chicago June 19, 1942.

I had a telephone call from my brother. He called me up, and he said I should come to his house, that his wife was ill. I believed that his wife was very ill and took a cab and went over there. When I came there, I seen--they prepared me that my son was here. I was nearly paralyzed seeing him, and still I was happy to see him.

Q Mrs. Haupt, how many times did you receive communications from your son while he was in Mexico?

A Two letters and a cable.

Q Do you mean a telegram?

A Yes, sir.

Q What was the occasion for the telegram?

A He just sent me birthday greetings.

Q What date was that?

A The 29th of June.

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Q That was the 29th of June, 1941?

A Yes, sir.

Q What were the things he told you about in his letter? I think you said he told you about how beautiful Mexico was?

A Yes, sir.

Q Anything else?

A How beautiful it was and what he was seeing there and the mountains, and everything, you know.

Q Did he tell you what he was doing there?

A Yes. He wanted to see if he could get work in Mexico.

Q What did he say about that?

A He just said he liked it there; if he could get work, he would work.

Q You never knew whether or not he got work; is that it?

A No, I didn't get any more letters.

Q Did your son tell you where he was going when he left or before he left?

A Yes.

Q He said what?

A He mentioned Mexico and Guatemala and a lot of places--Nicaragua.

Q Do you know of your own knowledge whether or not he had made arrangements to get a passport to any of those places before he left?

A Yes, sir. He went down to the passport, and my husband had to go with him, and he applied for a passport, and

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they said they would notify him in a few days, and he didn't get the passport, so he went down there again, and then they told him that there was no such law that he needed a passport to go to Mexico.

Q Did you hear anything further about that passport after he left?

A Yes, sir. I received a letter about four or five weeks later, and they said in the letter that they were not giving Herbie a passport and that they were sending the money back. He had paid \$10 for the passport, and they were sending \$9 back, and I received the check for \$9.

Q They sent you a check for \$9?

A Yes, sir. I signed for it. It was registered mail.

Q Now let us go to the time when he came back in 1942. Did he tell you where he had been?

A Well, when I seen him, he told me he has been in Mexico.

Q Did you find out that he had been to other places?

A Later on.

Q How did you find it out?

A Well, it was hard to believe, because he hasn't written to us from Mexico, and so my husband kept on pressing him and pressing him, and then we found out.

Q Did you hear him tell your husband where he had been, what he had done, and how he had returned to the United States?

A Yes. He says he didn't know how to get back to the United States; he wanted to come back.

Q Do you know that your son went and registered for the draft?

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A Yes, sir.

Q You know also that he applied for work at the Simpson Optical Company again?

A Yes, sir.

Q Why did he do both of those things?

A Well, he wanted to get in to live his lively routine again.

Q Did you advise him as to either one?

A Yes, we talked about it, and he says, "Yes, that is what I am going to do, Mother--to register," and he said he should go to the F. B. I., because they had been checking up on him in December, and we told the F. B. I. that we received a cable from Tokyo.

Q Did he mention first the fact of going to the F. B. I.?

A Yes. He asked if he had been called from the F. B. I. why he had not registered, and we told him, so he said he would go down Monday morning.

Q What about applying for work at his old firm, the Simpson Optical Company? Did he mention that of his own accord?

A Yes, of his own, yes.

Q Do you know that he did apply for work?

A Well, he went there to see his boss.

Q Who was his boss?

A Mr. Gruman.

Q What was his first name?

A Andreas.

Q Did you go with him when he went to see about getting

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work?

A Yes, we all drove out--my husband, my son, and I.

Q All of you went in to see--

A Mr. Grunau.

Q With what result?

A Well, we went to take a ride out. Herbie wanted to talk to him if he could start working again.

Q With reference to where you live in Chicago, you now are living at Fremont Street?

A Where we live now.

Q You moved to your present residence from Ainslee Street, did you say?

A We have been living at 4444 Western Avenue in Chicago.

Q 4444 Western Avenue? What has Ainslee Street to do with it? Did you move to Ainslee Street?

A Then we lived on Whipple Street. From Whipple Street we moved to Ainslee Street.

Q Then, when did you live at 4444 Western Avenue?

A Well, I went to the old country to see my mother, and I gave up my apartment for the few months while I was gone, and I lived on Whipple Street by my brother.

Q When was it that you left or gave up your apartment? Was it an apartment at 4444 Western Avenue?

A Yes.

Q When was it that you left there?

A In May, 1939.

Q Then you went to what street? What was the next street?

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A Whipple Street. 3655 North Whipple.

Q Then you went where?

A From Whipple Street we moved to Ainslee.

Q And from Ainslee--

A (Interposing) From Ainslee--

Q (Continuing) --to where you live now?

A Where we are living now.

Q How long did you live at your apartment at 4444
Western Avenue?

A Two years.

Q Exactly or more or less?

A Exactly two years.

Colonel Royall. May I ask one or two questions?

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12:20

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12:20 pm

Questions by Colonel Royall:

Q Mrs. Haupt, what does your family consist of? Your husband, yourself, and Herbert?

A Yes, sir.

Colonel Royall. That is all.

CROSS-EXAMINATION

Questions by the Attorney General:

Q Mrs. Haupt, how long were you at Whipple Street?

A From May to October.

Q What year was that?

A 1939.

Q And then you went to 2341 Ainsley Street?

A Yes, sir.

Q How long were you there?

A I believe six months.

Q And then you moved to the last address, 2234 North Fremont?

A Yes; that is in Chicago.

Q Where did Mr. Froehling live?

A At 3655 North Whipple Street.

Q He is living there now?

A Well, he moved two houses further up, so I don't recall his address, but in the same block.

Q When did he move?

A It has been a year in May.

Q He has been there a year last May, and before that he was at 3655 Whipple?

A Yes.

Q How long was he at 3655 Whipple?

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A Oh, I believe three years.

Q Three years?

A Something like that.

Q Did Herbert use to go over a good deal to his uncle?

A Yes. He was very fond of my brother.

Q Was he at 3655 at the time?

A Yes.

Q Had your ~~brother~~ moved before Herbert left, do you remember?

A Yes.

Q What is the name of Herbie's girl friend?

A I used to know. I found out her last name through the paper. Her maiden name is Stuckmann.

Q What is her first name?

A Gerda.

Q And she came to you two or three days after Herbert left?

A Two days after Herbert had left.

Q And asked where he was?

A Yes.

Q Did she say when she had seen him last?

A Well, she said they had been together a week ago.

Q A week ago?

A Yes.

Q Did she know whether he had left or not?

A Well, he said to her he was going on a vacation.

Q She did not know where he was going?

A No.

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Q And asked you if you knew where he was going?

A Yes.

Q Did Herb tell you how he got back from Germany to the United States?

A He didn't tell me much about it.

Q Did he tell you how he got back?

A I asked him. I says, "I can't make out, Herbie, how you got back," and he said, "On a ship."

Q On a ship. He did not say what kind of ship?

A No.

Q Did he tell your husband?

A I don't know.

Q You did not hear him tell your husband?

A No.

The Attorney General. That is all.

REDIRECT EXAMINATION

Questions by Colonel Royall:

Q Mrs. Haupt, your brother had just moved into his new address shortly before Herbert left?

A Yes, sir.

Colonel Royall. That is all.

RECROSS EXAMINATION

Questions by the Attorney General:

Q Do you remember how long before Herbie had left he moved in?

A In May, I believe; May the 1st.

Q Well, about how long before Herbie left was that?

A A month.

Q About a month?

A A month before Herbie left. He moved there a month before.

The Attorney General. That is all.

The President. The witness will be excused.

We expect to recess, at the request of the defense counsel, promptly at 12:30, so be guided by that, please.

We now have about five minutes. If you are considering another witness at this time, I think we had better adjourn now.

Colonel Royall. I would think so; and, may it please the Commission, in view of the one question asked this witness, we are now going to offer Miss Stuckmann. The Commission was correct in thinking that this might lead into offering another witness.

The President. We will take a recess until 1:30.

(At 12:25 o'clock p.m., a recess was taken until 1:30 o'clock p.m. of the same day.)

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A F T E R R E C E S S

(The Commission reconvened at 1:45 o'clock p.m., at the expiration of the recess.)

The President. The recess is over. The Commission will open.

Colonel Munson. The full personnel of the Commission, the eight accused, and the reporter are present.

The staff of the prosecution is present except Colonel Weir, Mr. Cox, and Mr. Rowe.

The staff of the defense is present except Major Stone and Captain Bruton.

Colonel Royall. May it please the Commission, did it appear in the record this morning as to the time I entered the courtroom?

Colonel Munson. It was so noted that you came in at the time they started the cross-examination.

(Mrs. Gerda Melind stepped forward.)

Colonel Munson. What is your full name?

Mrs. Melind. Mrs. Gerda Melind.

Colonel Munson. Mrs. Melind, the Military Commission before which you are appearing as a witness now instructs me to inform each witness that an oath of secrecy must be taken and that violation of that oath may result in proceedings in the nature of contempt or other criminal proceedings.

Before I administer the oath, I want to know that you understand that thoroughly. You so understand?

Mrs. Melind. Yes.

Colonel Munson. Will you hold up your right hand? You solemnly swear that you will not divulge the proceedings

taken in this trial to anyone outside the courtroom until released from your obligation by proper authority or required so to do by such proper authority, so help you God?

Mrs. Melind. I do.

Colonel Munson. Then, an oath as a witness. You swear that the evidence you shall give now on hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. Melind. I do.

GERDA MELIND

was called as a witness for the defense and testified as follows:

Questions by Colonel Munson:

Q Just sit down. Please state to the reporter your full name, residence, and occupation, if any.

A Mrs. Gerda Melind.

Q And your residence?

A 1752 Abion Avenue.

Q Have you any occupation?

A Beauty operator.

Q Do you know the accused Herbert Haupt?

A Yes, I do.

Q Is that he sitting to the left of his counsel at the table?

A The one who just stood, yes.

DIRECT EXAMINATION

Questions by Colonel Dowell:

Q There is no "e" on the end of your last name?

A No.

Q M-e-l-i-n-d?

A M-e-l-i-n-d.

Q Did you know Herbert Haupt in 1941?

A Yes, I did.

Q When was the last time you saw him in that year?

A That was in June of 1941. I don't know the exact date. I think it was the second week in June.

Q How long had you known him before that?

A About two and a half years.

Q When did you acquire the name of Melind?

A When I was married to Herbert Melind.

Q When was that?

A Well, that was five years ago this July 3rd.

Q Was that before you knew Herbert Haupt?

A Yes.

Q And were you going by the name of Mrs. Melind when you met Herbert Haupt?

A No, I was not; by my maiden name.

Q And your maiden name is what?

A Stuckmann.

Q Stuckmann?

A Yes.

Q Your first name?

A Gerda.

Q You have a middle name?

A Ann.

Q Ann?

A Yes.

Q Or Anna?

A Well, it is Anna.

Q Anna?

A Yes.

Q Did you know Herbert Haupt very well at the time that he left in 1941?

A Yes, I did.

Q Did you know that he was going away?

A I didn't know for sure. He mentioned it on several occasions.

Q Just tell the Commission more about the occasions when he mentioned that fact.

A Well, he mentioned it about three or four months before he left--he had plans on going to Mexico--and then he would mention it one week, and next week he would say he wasn't going; and then the last evening before he left that I saw him he told me that he wasn't leaving, that he would call me on Wednesday, but I didn't receive the call. I received a card from St. Louis next day saying that he was on his way to California.

Q How did he come to tell you that last evening that he was not leaving? What was your conversation that caused him to say that?

A Well, at the time I was expecting a baby, and he told me he would not desert me.

Q You were concerned about that?

A Yes, I was.

Q You say you got a card from him from St. Louis?

A That's right.

Q How soon was that after he left?

A About three days, I believe.

Q What was it he said on the card?

A He said that he was on his way to California, that he would be back soon.

Q Did you hear from him any more while he was away?

A I didn't receive any mail from him.

Q When did you next see him?

A That Tuesday when his mother told me he was back.

Q Tuesday when?

A That was right after he came back. I don't know the date.

Q What year was it?

A 1942.

Q How long ago was it?

A Just a week before the 4th of July.

Q A week before the 4th of July?

A Yes.

Q You saw him again?

A I saw him that Tuesday evening.

Q Let me ask you this. Before Herbert Haupt went away in 1941 were you and he engaged?

A Well, we spoke of marriage, yes.

Q Now, you said it was about a week before the 4th of July in 1942 that he came back?

A I believe it was, yes.

Q He saw you again?

A Yes.

Q Did you speak of marriage again?

A Yes. He proposed to me.

Q Did you accept him?

A I did not accept the marriage proposal. I agreed to have a blood test taken, and I wanted to bide for time. I wanted to talk to him a little more about where he had been.

Q He had not told you where he had been?

A No. He just said he had been in Mexico, that's all.

Q Did he tell you at any time where he had been?

A Except that he had been in Mexico, that's all.

Q Did you ask him?

A I asked him where he had been, yes.

Q What was your object in taking a blood test?

A Well, he had proposed to me and offered to marry me, and I couldn't understand why he wanted to marry me all of a sudden, after not hearing from him a whole year, so I thought, well, I would agree to have that taken, and maybe by that time he would tell me a little more why he wanted to marry me all of a sudden, what the reason was.

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Q Why was a blood test necessary?

A It is required by Illinois law.

Q Was he to have a blood test also?

A He told me he was going to have one the following day.

Q You do not know whether he did or not?

A No, I do not, because I did not see him again.

Colonel Dowell. No further questions.

The Attorney General. Have you any questions, Colonel?

Colonel Ristine. No.

CROSS-EXAMINATION

Questions by the Attorney General:

Q When were you divorced?

A I wasn't divorced. My husband died five months after

I was married.

Q Your husband died?

A Yes.

Q After Haupt left to go to Mexico did you see his mother?

A I saw her about two times, I believe.

Q How soon after he left did you see her?

A Oh, I believe it was a week after or a couple of days after I received a card.

Q Did you ask her where he was going?

A I asked her. She said she had received one from St. Louis, a card similar to what I had gotten.

Q You say you would not tell him finally whether you would marry him or not, because you wanted to talk to him about where he had been?

A Yes. I wanted to know why he asked to marry me the first evening that he saw me.

Q Did he give you any reason?

A Well, he told me that he wanted to marry me.

Q That surprised you?

A It did in a way, yes, because I hadn't heard from him in a year.

Q Why did you want to know where he had been?

A I didn't know what to make of it. I hadn't heard from him for a whole year. He hadn't written. So I just wanted to know in detail.

Q Did he say he had enough money to marry you?

A We didn't discuss that.

Q You did not discuss money?

A No. He said he could get his old job back.

Q Did he say whether he tried to get his old job back?

A He said he had been down to the company and they said he could work again.

Q Did he say anything about registration?

A Yes. He said he had been down to the draft board.

Q Why did he say he had been down to the draft board?

A He said he went down to register.

Q Did he say anything else?

A No; that's all he said.

Q He did not say what he had told the draft board?

A No.

Q How many times did you see him after he got back?

Just that once?

A Just once.

Q Did he tell you he was going to New York?

A No, he did not mention it.

Q Did he mention any of the other boys he had been with?

A No.

Q Did he mention how he landed?

A No.

Q You asked him that?

A No, I didn't. I said, "How did you come back?" And I believe he said he came back on a train. I can't remember.

Q He said he came back from where on a train?

A He said he had been on the West Coast.

Q California?

A He did not mention that. He just said the West Coast.

Q Did he mention whether he had been outside the country at all?

A No; just that he had been to Mexico.

Q How long ago did he say he had been to Mexico?

A He didn't say.

Q Did you ask him?

A No.

Q Did you ask him when he left Mexico?

A No, I did not.

The Attorney General. That is all.

Colonel Royall. No further questions.

The President. The witness may be excused.

The Attorney General. With the permission of the Commission, we would like to have Mrs. Haupt, this last witness, and the witness Froehling returned, counsel having informed us that they do not desire to question them any more.

Colonel Royall. Hermann Neubauer. The defendant Hermann Neubauer will be offered as a witness in this case.

(Hermann Neubauer stepped forward.)

The President. You are the defendant Hermann Neubauer?

Mr. Neubauer. Hermann Neubauer.

The President. It is my duty to tell you that you have the legal right now to do any one of several things, just as you choose. First, if you want to do so, you may be sworn as a witness and testify under oath in this case, like any other witness; or, second, if you do not want to be sworn as a witness, you may, without being sworn, say anything about the case to the Commission which you desire--that is, make what is called

an unsworn statement--or you may, if you wish, file a written statement with the Commission; or, third, you may, if you wish, keep silent and say nothing at all.

If you do take the witness stand and fail to deny or satisfactorily explain any of the alleged wrongful acts about which you testify at all and about which any evidence has been presented against you here, such failure on your part may be commented on to the Commission by the Trial Judge Advocate when he presents his argument to the Commission at the end of the trial; and the Commission can take it into consideration in determining whether you are guilty or innocent of the offenses.

Do you understand fully all that I have said to you so far?

Mr. Neubauer. Yes, sir.

The President. Knowing these various rights, take time to consult with your counsel, and then state to the Commission which you will do.

(Colonel Dowell and Mr. Neubauer consulted.)

Mr. Neubauer. I would like to take the stand.

The President. And be sworn?

Mr. Neubauer. Yes, sir.

Colonel Munson. Hold up your right hand. Do you swear that the evidence you shall give in the case now on hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Neubauer. Yes, sir.

HERMANN OTTO NEUBAUER

was called as a witness and testified as follows:

Questions by Colonel Munson:

Q State your full name.

A Hermann Otto Neubauer.

Q You are one of the accused in this case?

A Yes, sir.

The President. We will remain in recess for five minutes.

Will you please inform me when you are ready to proceed?

The Attorney General. Yes, we will.

The President. We will remain in recess until so informed.

(There was a short recess, after which the following occurred:)

Wilfong
fis
2:30

7/22/42
Wilfong
fls Cincinnati
2:30

The President. The session will open.

Colonel Munson. The personnel which was present before the recess is again present.

The witness is reminded that he is still under oath.

DIRECT EXAMINATION

Questions by Colonel Royall:

Q Your name is what?

A Hermann Otto Neubauer.

Q Where were you born?

A In Hamburg, Germany.

Q How long did you live there before coming to the United States?

A Twenty-one years.

Q When did you come to the United States?

A In 1931 I came to the United States.

Q You are now 32 years old?

A Yes, sir.

Q When were you married?

A On January 10, 1940, in Miami, Florida.

Q What was your occupation in the United States before you returned to Germany?

A I worked as cook and chef.

Q Have you ever at any time made application for citizenship papers in the United States?

A Yes, sir.

Q How far did you proceed with those citizenship papers before you returned to Germany or went back to Germany?

A I had taken out my first paper in 1932, in San Francisco, and when the war started I was on the S. S. Manhattan of the United States Line and I only got as far as Havre,

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France, and then the war broke out on September 1st.

Q Of what year?

A 1939; and I had to go back to New York. A couple of days after I returned to New York I went to the Immigration officers on Washington Street to get papers, to make my application for citizenship. I filled out those papers and sent them in and I got a return telling me that my first paper had expired just one day before there arrived my application for citizenship.

Q That was in September, 1939?

A Yes, sir.

Q How long after that did you remain in America?

A I remained in America until July 11, 1940.

Q What did you do in the period between your attempt to get citizenship papers and your leaving America in 1940? What did you work at?

A I worked in the Dempsey-Vanderbilt Hotel in Miami as night chef, and as night chef in the Hoffbrau House in Miami during the season of 1940.

Q When did you first decide to return to Germany?

A I had tried, after I arrived in New York on the Manhattan. I went to a different employment agency to try to get a job, and was sent to different places, and I could not get a job on account of being a German. Most chefs were Frenchmen, and so I couldn't get a job; and I had met Edward Kerling--

Q The defendant Edward Kerling who is here in the court room?

A Yes; and all together seven fellows, and we decided to buy a sailboat in which we were going to try to return

3w

to Germany. That was in September, 1939.

Q Did you succeed in getting to Germany then?

A No.

Q Go ahead and tell what happened about it.

A We had bought this sailboat. The name of it was Lekala. We had bought this boat for \$1,500, somewhere near Baltimore. We left Baltimore for New York, and around Atlantic City we were detained by the Coast Guard who came alongside and told us we should proceed to New York. In New York we were taken to the Coast Guard station at Staten Island, and on the way to the Coast Guard station the immigration officials and military officials and F.B.I. agents came on board and questioned us. Later on they took us on a large Coast Guard boat and questioned us there. Then our boat was held at Staten Island for about three weeks. We were allowed to go ashore. The boat was released and we stayed in New York for about a week and went to the Coast Guard and told them that we would like to sail to Miami, Florida, to sell the boat because we didn't have any more money. None of us was working, and on this money that we would get out of the boat we would be able to live.

Q What did you do? Did you go to Miami?

A Yes. They told us we could go to Miami. We should report at every Coast Guard station on the way down to Miami, Florida.

Q Did you do so?

A Yes, sir; we did so. But we went from Norfolk down the Inland Waterway, and I don't know exactly the date-- it was the first part of December, 1939--we were picked up.

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A Coast Guard boat came alongside at night, and we were taken to Wrightsville Beach, near Wilmington, North Carolina.

Q What happened there?

A There the immigration officials came and the F.B.I. agents from Washington.

Q What else happened?

A They searched the boat, mainly, they told us, for radio apparatus. But we didn't have any radio on board. After nine days they let us go, let us proceed. I took a bus in Wilmington down to Miami.

Q During the period that you were stopped and inspected and apprehended on that trip, were any records of your fingerprints or any description taken of you?

A Yes, sir. The F.B.I. took pictures of us and took our fingerprints.

Q When thereafter did you go to Germany?

A I sailed on July 11 on the S. S. Exochorda, of the American Export Line.

Q When did you arrive in Germany?

A On August 3, 1940.

Q Where did you go at that time?

A Right home to my family in Hamburg, to my folks in Hamburg.

Q Were you drafted in the German Army?

A Yes; I was drafted in the German Army. I had to report on November 14, 1940.

Q What were your duties in the German Army? What did you do in the German Army?

A First, I had to report after three weeks, and a

5w

lieutenant and sergeant came to this army post and asked me different questions, where I came from, and mainly could I talk English; and they seemed to be satisfied and took me to Brandenburg.

Q Without going into too many details on that, did you get into the fighting forces that were on either of the fronts?

A Yes, sir.

Q Where did your regiment go, and were you engaged in any action or did you receive any wounds?

A Yes, sir. In May we left Brandenburg for the occupied former Poland, to Przhmyel, on the river San, and when the war started between Germany and Russia on June 21, in the morning, at 3:15, we were withdrawn from the border. Then on the night from Sunday to Monday we crossed the river in rubber boats and advanced into Russia, into occupied Polish territory in Russia, about 20 miles or 25 miles. On Tuesday afternoon we were supposed to go over the top, as they say, around 5:30, and we were laying in a small village, and the Russians bombarded this village and there I was wounded.

Q What wounds did you receive?

A I have shell splinters in my right cheek and in my leg. I still have one large shell splinter, as large as a lima bean, in my cheek, near the jaw bone, and two small fragments above the right eye.

Q As a result of the injury to your head did you have any form of paralysis of speech?

A For two days I was not able to speak at all, and then gradually I was able to speak, and I started like a child would start speaking or talking.

Q Were you removed to a hospital?

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A Yes; I was taken first to Krakow in an airplane and then by train to Stuttgart, Germany, where I stayed for six months in the army hospital.

Q What was your condition while you were in the hospital?

A I still have headaches--not so much any more. I had pain in my cheek. They wanted to operate on my head, but it was too dangerous, because the splinters are too near the brain.

Q What was the condition of your nervous system? How were your nerves?

A I was sent twice not exactly to a sanitarium; it was an old castle. I was sent there for my nerves, on account of my nerves.

Q How did it affect you? How was your nervous condition? Describe it as best you can.

A I get excited about every little thing very easily, and any noise makes me nervous.

Q How long has that condition continued?

A I would say I am still in this condition; not as bad any more as I was in the beginning, but I am still in that condition.

Q How were you treated by the medical authorities in connection with your hospital period?

A In Stuttgart it was all right, but after I had been operated, at night after I was wounded the Russians bombarded this town and all those that were able to be transferred or transported got picked up, and I was put on a stretcher. They took off my shirt and they took us out of this hospital naked and laid uncovered, and six days later I was transferred from Krakow to Stuttgart, and they put us in old Polish third-

7w

class railroad cars, with wooden benches, and eight to ten fellows in a compartment. We were unable to sleep or anything

Q When you got out of the hospital what date was it?

A I don't know exactly the date. In the middle of November, 1941.

Q Where did you go then?

A First, I was sent back to my battalion in Brandenburg, and we stayed there for a week and I was transferred to an army medical center.

Q What did you do there?

A We had recreation and sports, because all of the soldiers there had come from different hospitals and were unable to do any duty.

Q That was a convalescent place, while you were getting well?

A Yes.

Q How long did you stay there?

A Until I was ordered to report.

Q Did you receive a written order to report?

A Yes, sir.

Q Before you received that order had you made any inquiry or had anyone seen you about going?

A I had been in the hospital again in Vienna, January and February, 1942, and I received a letter at the end of February asking me if I would go on a special assignment to a country where I had been before. It was signed by Lieutenant Kappe.

Q What did you do upon receiving that letter?

A I answered this letter and told him I would go.

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Q Then did you receive orders to go?

A No, not right away. I got the order the Monday before Easter.

Q What was your rank in the army at that time?

A Private.

Q First-class?

A No; just private.

Q How long had you been in the army?

A Seventeen months.

Q Did you ever get any promotion?

A No; I did not.

Q What did you do when you got those orders to go to school?

A I was given a railroad ticket and an order from the regiment to report at a school, Ranke Strasse 6.

Q When you were asked whether you would go on some duty in a country where you had lived, did they give you any information as to what the type of duty would be?

A No; they did not. I thought, naturally, as a soldier, it would be as a soldier. I didn't know exactly where it would be. I had been working on boats and had been all over the world, I may say, in England, France, Spain, and so on; and I first thought I might be going to England as a soldier.

Q Did they give you at that time any information that you were to go other than as a uniformed soldier?

A They did not tell me anything. I was called and I had to report to the officer of my company and he told me to get ready and get my things ready and he gave me the railroad tickets and the order to report.

9w

Q When did you first find out that you were to wear civilian clothes?

A When I got that order.

Q What did you do then?

A I went to Hamburg and stayed home with my wife and my family until the Tuesday after Easter.

Q What did you tell your family and what did you yourself think about the order to wear civilian clothes?

A It is hard to answer that. I might answer it this way. As a soldier, you are not supposed to think; and I did not. I just got the order and I didn't know what for.

Q And you went?

A I just went; that is all. As a soldier I didn't have to have any of my own mind.

Q What did you do when you got to the school? When did you find out what it was?

A When Lieutenant Kappe told us in this school, when we were all there together. I think it was the second day after we arrived at the school. He told us that we were going to be trained in different ways of committing sabotage and that we were going to the United States.

Q What did you do when you got that information?

A I could not do anything as a soldier. Lieutenant Kappe was a lieutenant, which, in Germany, is quite a high superior above me. There was nothing I could do. I had the order from my regiment to report to him, and there was nothing I could do about it.

Q Did you discuss it with anyone at that time?

A No.

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Q Then you attended the courses at the school?

A Yes, sir.

Q Did you talk with anyone during the course as to the trip to America with any of the other defendants, any of your friends?

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Q Did you receive instructions at school as to what you were to do in America?

A Yes, we got instructions from Dr. Koenig and Dr. Schultz how to prepare and mix different chemicals to make explosives.

Q Were you given any instructions as to whether or not you would kill or harm any people when you were in America?

A No, they told us--and I am not sure exactly--two or three different times that we should always watch out; that we should not kill or harm any American citizens. They did not want it to arouse the feelings of the American citizens.

Q Were you given any specific instructions about wrecking trains?

A Yes, we were.

Q What were you told about that?

A Well, we were told, first, to watch a certain line or track--watch, perhaps, when freight trains may pass. We should take care that we didn't put any dynamite on any track if there were any passenger trains passing.

Q Were you given any instructions to get any military information or other information and send it back to Germany?

A No, it was never mentioned.

Q Did you learn secret writing?

A Yes, we did.

Q For what purpose were you to learn that?

A To communicate between ourselves here in this country.

Q Were you instructed in any method of communicating anything out of the country?

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A No, never.

Q Did you know anything about any handkerchiefs and addresses on them?

A No, I didn't.

Q Did you know anything about that until this trial?

A Yes, that is when I heard the first of it.

Q You heard the first of it at this trial?

A At this trial, yes.

Q Were you given any instructions about getting any information of any kind for the purpose of sending it to anybody?

A No.

Q During your stay in the camp and up to the time you sailed on the submarine, I believe you said you just followed orders; is that right?

A Yes, sir.

Q When, if at any time, during your schooling did you begin to have any doubts about this plan?

A Well, I couldn't say exactly when. When I found out that I was going on as an agent over to the United States, I surely didn't like it. In the first place, my wife was born here in the States, and the family of my wife is here in the States; and another thing, if you have been a soldier or are a soldier, you don't think much of an agent or a saboteur, and I surely didn't like it--didn't like to see me--see myself in a position like that.

Q What could you do about it?

A I couldn't do nothing about it.

Q Did you talk with anybody about not liking it before

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you left there?

A Well, I mentioned to Lieutenant Kappe--I told him I didn't think it was right that he would send me over to the United States. I gave as an excuse that I had been picked up by the F. B. I. before, and the F. B. I. know me over in the United States, so if I would be picked up on any occasion, they would know right away who I was; and he just told me, "Never mind. You are just not going to be picked up; that is all there is to it."

Q Did you at any other time make an effort to get out of the trip while you were over there?

A Well, the last effort, I would say, I made--Kerling and I made--after we had found out about the money in the hotel in Lorient.

Q What do you mean by "about the money"?

A Well, we had found out that we had gold certificates in the--in our money, and we opened a couple of money belts, and, as I recall it now, I had \$200 of bad money in my money belt.

Q Whom did you talk to about it at that time?

A Well, first we all were surprised and nervous and, I would say, disappointed, because they always told us what we had to do and what they expected of us; and then being so careless with an important matter like that, in giving us bad money; so this naval officer in civilian clothes who came with us from Paris--he mentioned that he would call up Paris and from there Berlin to find out what should be done about it; and Kappe just said, "Well, it is nothing just can be done about it; that is not so important"; and we have to go ahead.

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He said that again. When we went out of the hotel--out of the room--Kerling and I stopped Kappe and started to talk about it, and this naval officer in civilian clothes told him we didn't feel like going after this incident, and he said--he gave me a certain look as if he was going to say, "Well, you just have nothing to say." Kerling wouldn't talk like that, and he just told Kerling he couldn't back out; he just had to go ahead, now.

Q Before you left, did any member of the school or any instructor notice any nervousness on your part and make any remark about it?

A Well, I don't know if they noticed about my nervous condition. The morning we got on the train in Berlin--before we got on the train in Berlin for Paris, we had breakfast in the offices of the Caucasus, Rankestrasse 6.

Kappe was sitting next to me, and during this breakfast he made the remark, "Well, everybody else seems to have the right spirit, only Hermann is the only one I noticed doesn't seem to like it much," so I just--well, I can't remember exactly the words he said, but he told me that he had noticed that I didn't get along so well.

Q You still followed orders, though, and got on the submarine and came across, did you?

A Yes, sir.

Q While on the boat or on the submarine, did you communicate with anyone back in Germany as to how you felt or give them any instructions?

A Yes, I did. I felt--at the beginning I felt bad about the whole thing--being an agent--and I felt bad about

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different things: the way they treated me in the army after I had before seen in this country and in Germany in propaganda what they would do and how high the German soldier is rated, and especially a wounded soldier; nothing would be too good for a soldier, especially a wounded soldier; everything possible should be done to them; and after I had this bad experience, I just didn't think so much about it any more, and on the submarine I had quite a lot of time to think all those things over.

At the beginning, I didn't know exactly what I was going to do. But then--I don't know exactly--the third or fourth day before we landed, I wrote a letter to my wife in Hamburg, Germany. The main thing I wrote her, she should--we had a big argument, my wife and I, on the night before I had to report back to the school after the furlough the first part of May. She had been disappointed since she had come to Germany and told me that I had been wrong in the beginning; I should have stayed in the United States with her; and that they were after her on different occasions. The police had been home in Hamburg, had asked her why she didn't go to work and why she didn't have a baby, and about her folks and her family in the United States, and she felt bad about it; she felt like she was watched and being treated just like a criminal. She complained about all those things to me.

Well, so, on the submarine before landing I wrote her that she should try to get on one of the Swedish boats taking American citizens and diplomats from Europe to the United States, as they were exchanging citizens and diplomats between the United States and Germany, and she as a born American and

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as an American citizen would have a chance to go back to the States, and she should try to get on one of those boats.

Q Did you show that letter to anyone?

A Yes, I did. At first, I didn't know what to do about it. I showed it to Edward Kerling. I was kind of suspicious what he might say about it, as he was--well, not exactly my boss, but he was the leader of the group, anyway. If he would have protested about it or would have told me I was doing wrong, I just would have told him I was going to tear up the letter. But when he read this--I showed him this part of the letter--he just gave me a look, and--well, I was kind of glad that he didn't bawl me out on account of that. I realized, I would say, that he didn't blame me for it; he thought it was all right.

Q You considered him your commanding officer at that time, did you?

A Yes, he was to be my--he was to be the leader of the group.

Q You were taking orders from him?

A Yes, sir.

Q Hermann, after you landed in the United States from the submarine, what was your feeling?

A Well, I was sure glad when we had those boxes buried on the beach, that we had them off our hands, so we could get away from the beach. I was nervous all along.

Q Did you spend the night in Jacksonville?

A Yes. We walked down the beach for about an hour, hour and a half, and rested up on the beach till about eleven o'clock in the morning, and we took--we got a bus to Jacksonville. When we got off the bus, Kerling, Thiel, Haupt, and

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myself--we separated, Thiel and Haupt together, and Kerling and I. We went to the Seminole Hotel in Jacksonville.

Q Did you go to Cincinnati from there?

A Yes, the next day. We had bought some clothes, and we couldn't get them the same day; we had to come back for them the next day--the suit--so on Friday morning we left for Jacksonville--for Cincinnati--Kerling and I.

Q On your way to Cincinnati, Hermann, what conversation did you have with Kerling with reference to your trip and your plan?

A Well, we had been watching the railroad and we had passed a few small factories, I suppose they were, and had seen on the railroad and the railroad stations that every place where an agent placed, and we had seen in the factories watchmen, and--well, we were so nervous. We realized how nervous we were and how everything was watched. It made us more nervous, and we both talked it over and--well, we just came to the conclusion that we would not have a chance to go through with our orders.

Q That was you and Kerling? Was anybody else with you, or just you two?

A Just we two.

Q How long did you stay in Cincinnati?

A We arrived in Cincinnati in the morning, around eight o'clock--Saturday morning, around eight o'clock--and I left Cincinnati Saturday night at eleven o'clock for Chicago, Illinois.

Q Where did you stay in Chicago?

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A I arrived in Chicago in the morning--on Sunday morning--around 7:30 and took a taxi to the La Salle Hotel.

Q What was your nervous condition at that time?

A Well, I had felt right along on the train--Herling, too--that we were watched. In Atlanta, I think it was, we wanted to go get a newspaper. We went up the stairs and wanted to go out a gate. We saw a couple of fellows standing next to the gate in civilian clothes and we thought were F. B. I. agents. We turned right away back and didn't go to get a paper.

Since when I arrived in Chicago, I felt like I was watched when I got off the train. I have felt all along that F. B. I. agents have watched me.

Q How did your nervousness affect your ability to eat and sleep?

A Well, I just--my stomach was upset. I had to force myself to eat. I didn't go out for breakfast; I had breakfast served in my room. But then every time when the waiter knocked at the door, I was afraid that it may be somebody with whom I had worked before, as I had been in Chicago for six years, working in different hotels and restaurants, so I always was afraid somebody may come in who had known me before.

Q Hermann, when you were on the boat and before then, what was the plan as to when these explosives would be used?

A Well, we had orders from Lieutenant Kappe when we came over here we should take plenty of time, perhaps three months; and if that would not be enough, up to six months, to get us--to get acquainted with conditions and get--try to get--papers and, well, get used to the way of living in this country again.

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Q Well, now, when you separated in Jacksonville, what plans did your group have to meet again? When and where?

A Well, one thing I did know, that Kerling and Dasch were supposed to meet on Labor Day, July 4, in the Gibson Hotel, in Cincinnati.

Q You said Labor Day. You mean Independence Day?

A Independence Day.

Q In Cincinnati?

A Yes.

Q And they were to meet in Chicago, or were they not?

A No. That evening when we arrived in Cincinnati we met with Herbie Haupt, and we arranged to meet in Chicago-- Herbie Haupt and I--and before I left Kerling in Cincinnati he told me that he would come to Chicago--I should stay in Chicago till July 6th, and he would register in the Knickerbocker Hotel, and I should call him up at 10 o'clock in the morning July 6th. That's when we would talk things over, what we were going to do. We had talked about it before on the boat already, and then later on, before arriving in Cincinnati, if we would not go through with it, we would try to go to Mexico.

Q Now, when did you talk about if you could not go through with it you would go to Mexico? When did that conversation occur?

A Well, the first time it came up between Kerling and myself two or three days before we landed with the submarine, and then after we had talked about not being able to go through with our plan, on the trip to Cincinnati we had talked about it again; but Kerling told me I should stay in Chicago, and then

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we would all four--he would talk with Thiel and find out from Thiel, and then we would talk about it when we were all together, what we were going to do.

Q Well, was it planned that you do any sabotage at all before July 6th?

A No. As I have said before, we were not going to do any sabotage for at least not before three months.

Q Now, when you got to Chicago did you see Haupt?

A Yes. I met Herbie Haupt Sunday, the 21st of June, around 1:30, in front of the Chicago Theatre in Chicago.

Q Did you tell him that Kerling had said that you would meet there on July 6th?

A Yes. When I met him he told me, "Let's get away here. We may be watched by the F.B.I.," and we went to the Grant Park, I believe it is, sat on a bench there, and talked things over.

He told me how he had arrived, and I told him that Kerling had told me he would come to Chicago July 6.

Q What did you and Haupt talk about with reference to the possibility of carrying out the plan?

A Well, we talked about it, but we talked about it that there was no possibility to go through with the plan.

Q What, if anything, was said about what would happen on July 6?

A I told him Kerling had told me he would talk it over when he arrived; we should wait for him until he come to Chicago.

Q Had you decided what you were going to do on the 6th when he came?

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A No, we had not decided what to do.

Q What has been your physical condition, your nervous condition, since you came to this country?

A Well, as I have said before, I was always very nervous. I bought myself a bottle of rum. I am not very fond of alcohol, but I thought if I would take some alcohol it would calm down my nerves; and once in the LaSalle Hotel, in the morning the plumber came in--not the plumber--the electrician--because my light wasn't working. He knocked on the door. I jumped up and was shaking all over when he came in the room.

Q Would you have ever gone through with any plan of sabotage?

A No. I had made up my mind on the submarine when I had wrote my wife to try to come to the United States.

Q You did not quite answer my question. Would you have gone through with any plan of sabotage, do you think?

A I say, I made up my mind on the submarine when I wrote this letter to my wife that I would not go through with it.

Q Hermann, you gave how many statements to the F.B.I.?

A I gave three statements to the F.B.I.

Q The first one was not correct in some particulars, was it?

A No, it was not.

Q Why did you give the F.B.I. an incorrect statement at first?

A Well, as I had heard from the Jaques on Friday evening, the 26th, before I was arrested--I had visited with

4b

them in the evening, and they had told me that they had heard on the radio that German submarines had landed agents in the United States.

Would you please tell me that question again? I forgot.

Q Why did you not tell the F.B.I. the true facts when you first gave them the statement?

A So naturally I thought and I am sure that over in Berlin, in Germany, they would know about it and would hear about it, as it would come out here right away in the newspaper and on the radio, and they sure would be watching for everything over there; and if I would have told the F.B.I.-- would have told them everything--that I was a soldier and that I had been sent over here--they naturally would have taken my wife to a concentration camp, and she would never have a chance to get away from Germany--never would even be able to make arrangements-- would put her right away in the concentration camp, and I was afraid of that.

Q Did you later, in your later statements, give the F.B.I. all the facts that you had about this matter?

A Yes, I did. I gave them statements--I even gave them statements--in the statements--I gave them different things which are not in the statements.

Q You mean you told them things which they did not write down in these statements?

A That's right.

Q Did you tell them that you had reached the decision on the submarine when you wrote your wife that you could not actually commit sabotage?

A No, I did not.

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Q You did not tell them that?

A No. I was afraid it would come to Germany and my wife would have to suffer on account of them.

Q Hermann, are there any other facts that I have not asked you about that you want to state to this Commission? I am confident that they will let you do so.

A No, not that I could think of right now.

Q You were acting under orders until the time you thought that you could not go through with it; is that right?

A Yes, I was. I even was afraid when I showed Kerling this letter--part of the letter--because he could have told the submarine commander of it--well, I don't know what he would have done with me. I suppose he would have taken me back to Germany and given me to the--and transferred me to the authority. I was afraid of that.

Q In connection with that letter, the orders were that you were to send no sealed letters back, were they not?

A Yes.

Q What did Eddie do when you presented this letter sealed to him? Do you recall that? Do you remember his saying anything to the captain?

A Yes. He had some letters, and my letter was sealed, and he said, "Well, you aren't supposed to seal your letter," and the captain was there and he said, "Never mind. I am not going to read your letters."

I am not sure exactly what words he put it, but something to that matter.

Colonel Royall. That is all.

6b

CROSS-EXAMINATION

Questions by the Attorney General:

Q Neubauer, you took your first papers out in 1932?

A That's right, in San Francisco.

Q Were you a member of the German American Bund in Chicago in 1935 and 1936?

A Yes, till 1936 the order came that all German citizens had to get out of the Bund.

Q You were forced to resign then?

A Yes.

Q Were you a member of the Deutsch Volksbund in Chicago from 1936 to 1939?

A Yes, I was.

Q What is that society?

A Well, those fellows who had been in the Bund--German citizens who had been in the Bund in Chicago--they got together and called themselves the Deutsch Volksbund.

Q And did it have the same purposes as the Bund had?

A No. We just came together, and I even believe--I am not sure they are under orders of the German Consul.

Q Under orders of the German Consul?

A Yes--well, I don't know exactly how to put it. Whenever we had a small affair or something, the German Consul had to--

Q Had to approve it?

A Had to approve it, that's right.

Q And your society was in close touch with the German Consul?

A Yes, that's right.

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7b

Q You said the purposes were very different from the Bund. What did the Bund do? What were their activities?

A Well, the Bund was an American society.

Q But what was its purpose? What did it do? Is it purely social?

A Which Bund do you mean now?

Q I mean the German American Bund, the one you belonged to.

A The one I first belonged to?

Q The one you first belonged to, the Bund.

A Well, they tried to get all the German societies together to one big union, I would say.

Q A union for what purpose? Was the purpose to help the Fatherland?

A No. The American Bund was strictly an American organization.

Q Strictly American?

A Yes. Whether they even were in American politics, I am not sure of.

Q I think they were.

Was Kappe a member of the Bund?

A I have seen Kappe in 1935 once in Chicago when he made a speech.

Q What was the meeting where he made the speech in Chicago?

A Well, the Bund always had every Wednesday a meeting.

Q It was their regular Wednesday meeting?

A Yes.

Q What did he talk about, do you remember?

8h

A No.

Q Did he talk about the members of the Bund going back to Germany and helping Germany?

A No, he did not talk about that.

Q Wasn't Kappe the editor of the Bund newspaper at that time?

A That's what I heard later on.

Q You heard that later?

A Yes.

Q What was the name of that newspaper?

A I am not sure, but I think it was Deutscher Werkruf.

Q Would you spell that for the reporter?

A D-e-u-t-s-c-h-e-r W-e-r-k-r-u-f.

The President. Since he used German and I am not familiar with German any more, can that be translated?

The Attorney General. I was just going to ask that.

Questions by the Attorney General:

Q Would you translate that name so that we know what it means in English?

A Well, it is very hard.

Q Well, just the best you can.

A I wouldn't know.

Q Do the words mean, "Germans Awake" or "Alarm"?

A Well, "Werkruf" is "Alarm Corps."

Q German Alarm Corps?

A Something like that you could translate it.

Q Did you stay after the meeting and talk with Kappe, with some other persons?

A No.

Q You went right home after he finished talking?

A No. I talked to some of the other fellows.

Q Did you meet Kappe that night?

A No.

Q When did you first meet him? In Germany?

A In Germany.

Q You did not see him again in America?

A No.

Q What is the N. S. D. A. P., do you know, in Chicago?

A Well, the N.S.D.A.P. is the National German Labor Party.

Q Perhaps you could give us the name. "N" stands for "National"?

A National Socialist Deutscher--Socialist, and "D" stands for Deutscher, "A" for Arbeiter, labor.

Q What does the "P" stand for?

A Partei, party.

Q Were you a member of that in 1937?

A I became a member of that party in 1937 in Chicago.

Q Why did you join that party?

A I had been in Germany during the Olympic games in 1936.

Questions by a Member:

Q What?

A During the Olympic games of 1936, and I had seen some improvement, and there were not very many unemployed any more in Germany, and all the people seemed to be feeling content, and I thought I may go back some day to Germany.

Questions by the Attorney General:

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Q How did you join it? Did you have to make application to the German Consul to join it?

A Yes, sir.

Q Did you make application?

A Yes, sir, I did.

Q Who was the German Consul?

A At that time it was Dr. Tannenberg--he was Consul in Chicago.

Q He was the Consul in Chicago?

A Yes.

Q At that time were you required to take any oath?

A No, I was not required--well, it wasn't exactly an oath. He told me to be a good member, a good standing member, on the N.S.D.A.P.

Q And of the Nazi Party?

A The N.S.D.A.P. is the Nazi Party.

Q That is the Nazi Party?

A Yes, sir.

Q And you said you would be a good member of the Nazi Party?

A Yes, I did.

Q Did you purchase Reuckwanderer marks in 1936?

A Yes, sir.

Q How many did you purchase?

A A thousand dollars, 4000 marks.

Q Where did you have them sent?

A Well, I am not sure now of the bank--the German Reichsbank or the Dresdner Bank.

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Q It was with the purpose of creating a credit for you in Germany when you returned?

A Yes; that I would some day return to Germany and be able to get this money.

Q And marks were sold, were they not, only with the approval of the German consul; do you know?

A I don't remember.

Q The idea was, was it not, that you were going back to live permanently in Germany before you could buy these marks?

A Yes; if you would go back to stay in Germany.

Q To stay there permanently?

A Yes, sir.

Q I would like to know a little bit more about this trip on the boat that you bought. What was the purpose of your buying this boat? To go back to Germany?

A As I said before, to try to go back to Germany.

Q Why did you want to go back then? Did you want to go back there to work because work was more easily obtainable there?

A Because I could not get a job in New York. I had tried different places, and they would tell me that they didn't want a German.

Q What kind of papers did you have after you got the boat and were picked up? Did you have any papers at all?

A I had my German passport.

Q That had been issued by whom--the German consul?

A I believe it was, sir, issued by the German consul in Chicago. I am not certain. I believe it was issued by the German consul in Chicago.

2w

Q Did you see anyone connected with the German consul's office before getting your passport?

A No, sir. I was introduced to Kerling on Third Avenue in New York by a Mr. Metteng.

Q Give me his exact name.

A I don't know his first name.

Q How do you spell his last name?

A M-e-t-t-e-n-g.

Q He introduced you to Kerling for what purpose? Did he say?

A No. I had known Metteng from Chicago. I met him on Third Avenue and Kerling was with him, and so he introduced me.

Q Had Metteng been in the Bund too?

A I don't think he has been in the Bund. He sold some German books.

Q In Chicago?

A Yes, sir.

Q Do you know his address there?

A He is not in Chicago any more.

Q Where is he now?

A He is in Germany.

Q What is he doing in Germany?

A I don't know that.

Q You did not see him there?

A I saw him once.

Q Where?

A In December, 1940.

Q What was he doing then?

A He had just recently arrived from the United States.

3w

Q You testified with respect to your receiving a letter from Kappe. Was it signed by Kappe?

A Yes; it was typewritten and signed in ink by Kappe.

Q What was the heading of the letter?

A It had just a date on it.

Q No letterhead at all?

A No, sir; no letterhead. It was just a small piece of paper.

Q Did the letter say anything at all about the kind of special assignment you were to have?

A No. It said:

"Soldier Hermann Neubauer, I ask you if you would like to go on a special assignment to a country where you have been before."

And it was signed by Lieutenant Kappe.

Q Had Kerling known Kappe in America?

A I don't know that.

Q Did he ever tell you he knew Kappe in America?

A No, sir.

Q You do not know whether Kerling gave Kappe your name or not, do you?

A No; I do not. I don't know exactly when it was, but during the course in the school I asked Kappe why he had picked me and how he had picked me or where he had found me or how he had found me, and he told me it was none of my business.

Q Did he seem to have your record there when he talked to you? Did he have a record of you?

A No, sir; he did not, but he seemed to know every-

4w

thing about me.

Q You saw all the other seven defendants at the sabotage school, did you not?

A Yes, sir; I did.

Q What were your instructions at the school with respect to what you were to do after you first came to America?

A As I have said before, we should get used to the living conditions in the United States and not start any sabotage the first three months. If it would take us longer to get acquainted and feel at ease, they would not mind if it took six months.

Q Were you told to register again?

A I was not.

Q Were any of the others told to register again?

A We were not registered at all. We could not register again.

Q In addition to your false registration cards were you told to make any attempt to register?

A No; we were not.

Q Were you told to get any kind of employment?

A They told us--they left it up to us, whatever we saw fit. We should perhaps open a business or a paint shop or perhaps for a few weeks take a job as a chauffeur or gardener, and then perhaps in a restaurant or hotel, and through this we might get a real Social Security card.

Q Were the leaders of the groups supposed to report back to Germany?

A I didn't know anything about that.

Q Did not Kerling tell you that you were supposed to

5w

report back to Germany?

A No; he did not.

Q I think you said you were supposed to communicate among yourselves in this country?

A Yes.

Q What were you supposed to communicate among yourselves?

A If I wanted to see Kerling, for instance, or any of the other boys, I would write them a letter, an ordinary letter, like a business letter, and then in ink on the other side I should write whatever I wanted to, like I wanted to meet him in Chicago on a certain date.

Q You would write anything, in other words, in invisible ink that you did not want known if the letter should be captured?

A Yes, sir.

Q You said, I think, that you did not like the idea of being an agent. Is that right?

A Yes.

Q What did you mean by agent--an agent of what?

A Like they say over there, a V-man.

Q What is a V-man? What does he do? I do not understand that.

A A man they trust with a certain order.

Q Why is a V-man different from anybody else that they trust with an order? A soldier is trusted with an order. What is a V-man? How does he differ from a soldier?

A He is in civilian clothes.

Q And on a secret mission?

A Yes; I suppose so.

6w

Q To collect information?

A It all depends. We only had orders to sabotage.

Q You told Kappe you were afraid the F.B.I. might pick you up here, that they knew you, did you not?

A Yes; I told him I didn't see why he sent me over here, because the F.B.I. knew me already; that if they would catch me, all they had to do would be to take my fingerprints again, and they would know who I am.

Q Did Kappe say whether there were agents of the Gestapo in the F.B.I. over here?

A I don't know that.

Q Did you hear that on any side?

A I did not.

Q Do you know whether there were any agents of the F.B.I. in the Gestapo?

A No.

Q You did not hear that?

A No, sir.

Q What did Kappe tell you to do in case you were arrested over here?

A He told us, or told me, not to say anything.

Q Not to say anything?

A Yes, sir.

Q Was not any history to be prepared of what you had been doing in the last three or four months?

A Yes, sir.

Q What was that?

A We were all told to put up a story of where we had been born, what kind of work we had been doing in the last

7w

couple of years.

Q What was your story?

A I was born in Walsten, Pennsylvania.

Q Will you spell that, please?

A W-a-l-s-t-e-n. That name was given me by George Dasch. He told me at that time he knew that that town did not exist any more, because his wife was born there.

Q Did George make up that story for you?

A No; he just told me this name.

Q Who made up the rest of the story? Did you make it up?

A Yes.

Q What nationality were you to be?

A An American, as I was born in Walsten.

Q What else? Was there anything else?

A That my mother went back to Lithuania where she and my father had been born, in 1914 when the war started, and on account of the war my mother could not come back to the United States and had to stay there during the war, over in Lithuania or, at that time, Russia.

Q What name were you to use over here?

A Henry Nicholas.

Q Did you ever use that name?

A Yes; I did.

Q Where?

A In the hotel.

Q What hotel?

A The Seminole Hotel in Jacksonville, and in the LaSalle Hotel, the Sherman Hotel, and the Sheridan Plaza in Chicago.

8w

Q What address did you give when you used that name?

A I am not sure what number. It was on Lafayette Avenue, Brooklyn, New York.

Q Was there such an address?

A I don't know.

Q Who had suggested that you use that address?

A I just made it up.

Q When did you make it up?

A Just before the registration cards were filled out by George Dasch.

Q You made up the Lafayette address in Germany, then?

A Yes; I did; the same address that is on my registration card.

Q What did you mean by finding \$200 of bad money? I believe you used that expression. What kind of money was it?

A It was gold certificates. They were taken out of circulation in the United States.

Q Why did you think that was bad--because you might have been traced?

A If I had bought anything I probably would have been picked up right away.

Q And that is what made you nervous?

A That is what made us all nervous.

Q You were nervous because they had given you money which might have led to your arrest?

A Because they didn't think any more of our safety.

Q I think you said that Kappe said everybody else seemed to have the right spirit but you; is that right?

A Yes; he made that statement the last morning before

9w

we left for Paris. We had breakfast in the Caucasus. Burger mentioned in his statement that I seemed to be after money after we had signed the statement. I signed this paper in the Caucasus. A couple of days before, Kappe had told me that I was supposed to get \$300 every month on my account in a bank in Berlin, and he gave me those papers to sign which said I would get \$200. I just thought I had seen other occasions before, as I had been in the army and as I had not been promoted, and as I had told Kappe about it, and he told me he would see to it that I would be promoted right away to a corporal, and I had not been promoted all during the time I had been in the school for three weeks, and I just thought, Well, all they do is promise you things and never keep those promises.

Q Was that the first time that that thought had occurred to you?

A I had thought about different things before, as I have said: the treatment I had received as a wounded soldier, and I had seen pictures, propaganda pictures and news reels in which they showed you how they took care of German wounded soldiers; that nothing was good enough for them; and then I had those bad experiences.

Q Did everybody else except you seem to have the right spirit?

A I would not know. That is just what he said to me-- "Everybody else seems to have the right spirit but you."

Q Do you know whether or not Kappe was connected with the Intelligence Office of the German army?

A I don't know what certain part of the army he was connected with.

10w

Q I am not quite sure what you said in the letter to your wife that was given to one of the men to deliver. Did you tell her you were not going to school?

A No. I couldn't tell her anything. I couldn't put in the paper "I am on my way to the United States." She most naturally would have shown it probably, first, to my mother, and it would have come out and my wife would have suffered; they would put my whole family in a concentration camp.

Q You suggested to her that she should try to come over to the United States?

A Yes; I told her after we had this argument in Berlin, in the hotel, and she didn't like it--

Q (Interposing) --I am trying to get at what you sent in that letter. Was not that in the letter?

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A Yes, it was in that letter.

Q You referred to the argument in that letter?

A I referred to the argument in that letter and that she didn't like it and didn't feel so well at home with my folks, because living conditions are much different over there than they are in this country, and I told her I didn't know how much longer this war might last. It may be a year or two or three, or nobody really does know how long this war may last; and I have told--this I didn't put in the paper--

Q (Interposing) I want to know just what went into the letter.

Colonel Royall. May it please the Commission--

Question by the Attorney General:

Q Say anything more you want to. I am trying to get, first, what went into the letter.

Colonel Royall. May it please the Commission, I think the Attorney General wants the same result I do. He wants this witness to tell it. I should like to respectfully suggest that the witness is having difficulty with the language and with expression and should be given just a little leeway in his answers.

The Attorney General. Well, I just want to be clear, when he is answering, what answer goes to the letter and what does not.

The President. I think the questions of the Attorney General are pertinent to the cross-examination. The letter has been brought out by you, Colonel Royall.

Colonel Royall. Yes, sir.

The President. I think this will clarify it.

Colonel Royall. There is no objection to it. I was not

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objecting to the examination at all; I was merely suggesting that I thought we would get along better if he would let the witness answer these questions in his own way.

Questions by the Attorney General:

Q Now, Mr. Neubauer, I am trying to find out what you said in the letter itself. So far you have said you referred in the letter to the dispute you had with your wife?

A Yes.

Q You suggested that as she was not satisfied with the conditions over there, she could come back to the United States; is that right?

A Yes. I told her as I have heard, and it was over in Germany in the newspaper, that American or German citizens and German diplomats had come back to, I believe it was, Lisbon--had come back from the United States, and that in return the American diplomats and citizens were transferred to the United States, and I have known of one or have heard of one case where an American was going back and had tried to go back, and she should try the same thing. If she couldn't get an American consul any more, she should try to go to a Swiss consul, and he would arrange things for her.

Q Did you suggest in the letter where she could get in touch with you in America?

A No. As I said before, I didn't mention anything that I would be in the United States.

Q You were not afraid that the letter you wrote her would get her into trouble?

A No, not this way, the way I wrote it.

Q When you landed, I think you said, you were very nervous when you landed on the beach?

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A Yes, I was nervous. I believe the others were, too, but I believe I was very nervous.

Q Afraid of being arrested?

A Well, I expected almost anything.

Q What do you mean by "anything"?

A I expected being arrested, yes, sir.

Q You thought you were being watched all the time?

A I thought I had been watched since we got on the train in Jacksonville.

Q I think you stated you first discussed on the submarine with Kerling your plans as to what you would do. Was it first on the submarine that you talked to him?

A Yes.

Q Excuse me.

A After I had showed him this letter, telling my wife to try to go back to the States, and noticing that he--well, didn't give me--didn't report me to the captain and that he seemed to be satisfied or agreed with it, he even made the remark about it--well, it is something like this: "Maybe we both going to have our wife again."

Colonel Royall. He is talking about Kerling?

The Attorney General. Yes.

Questions by the Attorney General:

Q Was there any more conversation then about what your plans were?

A Well, not exactly at that time. Well, we just didn't know how to approach each other, I suppose. We didn't know if we could trust each other, opening up, telling each other what we really thought and felt, as long as we were on

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the submarine and one could turn the other one in. We talked about it--that if we realized we couldn't go through with it, we would try to get down to Mexico.

Q So, as I take it, it was left that when you decided you could not go through with it, you then would go to Mexico?

A Yes. We did not, as I have said before--I had decided on the submarine I would not go through with it, and I just was waiting and watching for a way to get out of this, and after I talked with Kerling about the things, I felt, I would say, glad about it, that it would turn out this way, that I wouldn't have to go through with it, that I wouldn't go wrong on Kerling.

Q Did you tell the F. B. I. about your talk with Kerling?

A No, I didn't.

Q When you were on the train with Kerling, was that the next time you talked to him about the possibility of not going through with it?

A Yes. After we had noticed the way everything was watched--the railroad stations, railroads, and a few factories we passed,--and as we had both noticed that we were not sure, naturally, but we thought we were watched on the train, and then we talked about it, that we would not have a chance to go through with it, then we talked more open about it.

Then he said we would not go through with it and that we would talk it over between ourselves--between our group--and then decide what to do.

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Q Decide on July 6 whether or not to go through with it?

A Well, that is what Kerling told me later on, before I left him in Cincinnati. He would come to Chicago July 6, and there we would meet with Herbie Haupt, and he would talk before with Werner Thiel or Thomas, and then we would decide what we were going to do.

Q You would then decide on July 6, after talking with the other two boys of the group, whether or not you would go through with it; is that right?

A Well, we decided that already on the train--Kerling --that we were going to decide what we were going to do--if we were going to Mexico, or we even mentioned Canada, or if that--if we would not have a chance to move any other place, to move to those countries, we were going to give up to the F. B. I.

Q Who suggested that? Did Kerling suggest that?

A No, I believe I did.

Q You suggested to Kerling that you might have to give yourselves up to the F. B. I.?

A If there is no other way out, and the F. B. I. knows us, the best thing in the end may be to go and report to the F. B. I.

Q What did Kerling say to that plan?

A Well, he said we would have to wait until we all agreed on it. We would not do anything till we all agreed on it. We would not--well, not one of us would go and say, "Here I am"; if anything turned out that we could not go to Mexico, then we would all together report to the F. B. I.

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Q Had you talked to either of the other two boys like that?

A No, I just told Herbie Haupt after I--

Q (Interposing) That was later?

A Yes.

Q But before that had you talked to any of them or either of them?

A No, I have not.

Q Did Kerling say anything about what you were going to do with the explosives?

A Well, we didn't see no way to ever get those explosives again.

Q You talked it over, I suppose?

A Yes.

Q Did he suggest any plans which you thought could not be carried out?

Colonel Royall. When was this?

The Witness. No, we talked about it, and we realized that we would not have any way--there were no way to get to those explosives.

By the Attorney General:

Q Did he not say something about sending some girl down to get them?

A No.

Q He did not say that to you?

A No.

Q Did you say anything to the F. B. I. about your talk with Kerling on the train at all?

A I told the F. B. I.--well, that we felt that we

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were watched and that we were nervous and were afraid to go to the diner to eat and that we were afraid to get a newspaper, but I didn't tell them that we decided to give up, as I thought they would hear it over in Germany on the radio.

Q When you saw Haupt in Chicago, did you decide after talking with him just what you were going to do?

A No, I didn't. I was--well, I was going to leave that up to Kerling, or rather we would talk all together on what we were going to decide.

Q You saw Jaques?

A Yes, I saw Jaques.

Q Was he a member of the Bund?

A I don't know. I don't think so. I am not sure. I couldn't say.

Q Did he know about it?

A No.

Q Where did you see Jaques?

A In Chicago.

Q Where?

A In his home.

Q Why did you go to see Jaques?

A Well, after I arrived in Chicago and thought I was watched by the F. B. I., and I was nervous, and I had this money belt with \$4,000--at that time it was \$3,800--I wanted to get rid of the money, that is why I wanted to see Jaques.

Q What did you do with the money?

A I gave the money to Jaques.

Q Did you tell him what was in it?

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A Yes, I had the money in two envelopes.

Q You had taken it out of the belt?

A I had taken the money out of the belt in my room in the La Salle Hotel.

Q Jaques did not see the belt?

A No.

Q What did you do with the belt?

A I cut the belt up with my--with a razor blade.

Q In your hotel room?

A Yes.

Q What did you tell Jaques about the money and where you got it from?

A Well, I don't know exactly when I told it to them, but I told him that I had come from Germany and that I had this money--that this money was given me in Germany, and I would like them to keep it for me.

Q Did you tell him about the saboteur school?

A No, I didn't.

Q How did you describe the group when you told him the money had been given to the group?

A I didn't tell him anything about the group.

Q What did you say to him?

A I told him there was another fellow. I didn't tell him the name. And then--I don't know how it came out, but Mrs. Jaques told me that she had received a letter from Mrs. Kerling, and then I told the both of them that Kerling had come over with me.

Q Well, did you tell him how you got over?

A Mrs. Jaques went in the kitchen to make some

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sandwiches and coffee, and then I told Mr. Jaques that I had come over on the submarine.

Q That is a little unusual. Did he ask you about why you had come over on the submarine?

A No, I don't think he asked me; I told him.

Q You just told him you had come over on the submarine, and he did not ask you how you had come over or why you had come over?

A Well, he didn't ask me that, no.

Q Jaques said he would keep the money for you?

A Yes.

Q What did you propose to do with the money?

A Well, I didn't tell him. I told him that is the money I was going to live on.

Q Did you see anybody else in the United States when you were over here? Any of your other friends?

A No, I didn't see anybody. Mr. and Mrs. Jaques and Herbie Haupt were the only people.

Q The only people you talked to?

A The only people I have talked to since I arrived in Chicago.

Q Did you plan to see anybody else over here if you had not been arrested?

A No, I didn't. I didn't want to see anybody after I got nervous and didn't know what to do with the money, and then decided to see the Jaques.

Q Why did you not immediately go to the F. B. I. after you landed in Florida?

A Well, at that time Kerling and I didn't have--had

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not talked it over the way we did on the train.

Q So you had not decided?

A At that time Kerling and I had not decided, no.

Q About the money belt: You first told the F. B. I. that you had thrown it off the train because you thought you were being watched?

A Yes, I did.

Q That was not true, was it?

A No, it wasn't.

Q Why did you tell them that?

A Because I felt very bad about it--dragging Mr. and Mrs. Jaques in this affair. They were very good friends of my wife, and my wife always spoke very highly of them, and--well, I just--I felt just bad about it that I had dragged these people in an affair that they didn't have nothing to do with.

Q You entered the United States illegally in July, 1941, jumping your ship?

A 1931.

Q 1931?

A Yes.

Q I meant 1931; excuse me. Did the Consul give you any money when you went to see him about your transportation? The German Consul?

A What time do you mean?

Q When you left the country to go to Germany.

A In 1940.

Q In 1941, was it not?

A 1940.

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Q Did the Consul give you any money or send you any money to go over?

A I got \$50 from the Consul.

Q Why did he give you \$50? To pay part of your transportation?

A Yes. I didn't have much money. I just had--the fare was \$265 altogether on the S.S. Exochorda. It was about all the money I had, and I didn't have any money to leave my wife.

Q When the German Consul gave you the money, your trip was to get you into Germany, was it not, eventually?

A To go back to Germany.

Q In what direction? Was it via Lisbon and Rome?

A Yes. We arrived in Lisbon on July 19. We thought we could go by train through Spain to the French Border, but the Border of France has been--was still closed, so we had to go by airplane from Lisbon to Rome, Italy.

Q Did you go to the German Consul's office in Lisbon?

A Yes. As soon as we got off the boat in Lisbon, we reported to, I believe it was, the embassy.

Q Did you get some more money from the German Consul in Lisbon?

A No, we didn't, but we had to stay ten days in Lisbon before we could get airplane accommodations--a place on an airplane--and in those ten days the German Consul of the Embassy paid our room and meals in Lisbon.

Q How about when you were in Rome? Did the Consul pay you any money in Rome?

A No. In Rome it was the same. We had two days in Rome. The hotel was paid, and I got a letter. I presented

013

this letter in a railroad station, and I got a second-class ticket for Innsbruck, or for the Brenner Pass, Germany.

Q Did you live with Max Schnabel, 315 East 86th Street, New York?

A Yes, I did.

Q When was that?

A I lived there after I came back with my wife from Miami, Florida, in the last part of April till I left for Germany in July, 1940.

Q Did you there become acquainted with Hartwig Kleiss?

A No. I know Kleiss as the chef on the S. S. Manhattan.

Colonel Royall. May it please the Commission, if this examination is going to continue much longer, I suggest that we take a recess, since this witness has been on the stand for some time.

The Attorney General. I think I can finish in five minutes.

Colonel Royall. I do not know. I have a few questions to ask him. He is nervous; he is not well. I think if we could have a recess for five minutes, it would help.

The President. Since we are going to sit late, I think we might take a recess for ten minutes.

(At this time a short recess was taken. The following then occurred:)

Cinci
fis
Attig
4:25 pm

Colonel Munson. The witness is reminded he is still under oath.

Questions by the Attorney General:

Q I think when we recessed I asked you whether you knew Hartwig Kleiss.

A Yes, I did know Mr. Kleiss. He was a chef on the S. S. Manhattan of the United States Lines.

Q What has happened to Kleiss, do you know?

A I don't know.

Q Do you know Paul Fehse?

A Yes.

Q What was he?

A He was a fish cook on the S. S. Manhattan.

Q Do you know what has happened to him?

A No, I do not.

Q Were they in the Bund, or either of them?

A I don't know that.

Q Did you know Franz Stigler?

A Yes, I know him.

Q Where is he from?

A I don't know where he was born, but I have worked with him together in the Lloyd Restaurant in Hamburg, Germany. I did know where he was, but I was told by an F.B.I. agent that he is in prison.

Q In Germany?

A No; here.

Q You have not seen him in the last year or two, have you?

A I have not seen him.

Q I think you said that everything in your statements was true except what you had said about the money belt and two or three other things of that kind?

A Yes.

Q Otherwise the statement was true?

A Yes, as far as I know.

Q I am reading from your statement, from the last page, and I ask you if this is true:

"I admit that I came to the United States with this group for the purpose of committing acts of sabotage."

Is that true so far?

A No, it is not true.

Q Did you say it to the F.B.I.?

A I said it to the F.B.I., because I couldn't say to the F.B.I. that I would not go through with it.

Q Then you say, "and might have done so if the opportunity arose."

Is that true?

A No, it is not true.

Q So you lied to the F.B.I. about that also?

A Yes.

Q Then you say: "but in discussing with Herbert Haupt the matter in general while in Chicago both of us talked about and felt that we would not have a bit of a chance to commit any sabotage."

Is that true?

A That is true, yes.

Q So the first two phrases of that sentence are true, but not the last part?

A That's right.

Colonel Royall. You said that backwards. You mean the first two phrases are untrue.

Questions by the Attorney General:

Q The first two phrases are untrue, but the last is true, you say?

A Yes, sir.

The Attorney General: That is all.

REDIRECT EXAMINATION

Questions by Colonel Royall:

Q Hermann, I believe you testified that you did join the Nazi Party?

A Yes, I did.

Q And you did so when you were unable to get work in this country or were having difficulty in getting it, or did you join them before that?

A I joined before. I joined in 1937.

Q And after you found difficulty getting work in this country you sought to go to Germany, and finally went to Germany?

A Yes, I did.

Q You were drafted in the Army and you obeyed orders?

A Yes.

Q Do I understand that you first decided on the submarine that you could not go through with this and would not do so? Is that right?

A Yes, both before and when I wrote this letter to my wife.

Q You did not disclose that to Kerling until you got

on the train?

A Yes, as I was afraid he may turn me over to an officer on the U-boat.

Q And you did nothing about abandoning the plan except to talk to Kerling, because you were waiting to see all of your group; is that right?

A Yes. We talked about it--we would go all together--not just one--we would go all together.

Q Now, you were asked about communications between yourselves, possibly by secret writing. You were not to communicate any military information, were you, between yourselves?

A No.

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Q Or any facts about anything at all?

A No, never.

Q Merely as a means of seeing each other?

A That's right.

Colonel Royall. That is all. No further questions.

RECROSS EXAMINATION

Questions by the Attorney General:

Q Do you mean by that answer to indicate that you were directed not to communicate any facts between yourselves except for the purpose of meeting? Were you directed that?

A No, we were not told that, but we were told only to use it to tell each other where we would meet on--where we should be to meet each other.

Q You were told that that was the only thing that you should communicate to each other?

A Yes, sir.

Q Who told you?

A Only to get in touch with each other.

Q Who told you that?

A Well, I don't know. I believe it was Lieutenant Kappe.

The President. Are there any questions by the Commission? There seem to be none. The witness is excused.

The Attorney General. That is all.

Colonel Royall. We will next call the defendant Werner Thiel.

(Werner Thiel stepped forward.)

The President. It is my duty to inform you of certain rights as a defendant in this case, Werner Thiel. It is my duty to tell you that you have the legal right now to do any one of several things, just as you choose. First, if you want to do so, you may be sworn as a witness and testify under oath in this case, like any other witness; or, second, if you do not want to be sworn as a witness, you may, without being sworn, say anything about the case to the Commission which you desire--that is, make what is called an unsworn statement--or you may, if you wish, file a written statement with the Commission; or, third, you may, if you wish, keep silent and say nothing at all.

I will explain these rights to you in order. If you do take the witness stand and fail to deny or satisfactorily explain any of the alleged wrongful acts about which you testify at all and about which any evidence has been presented against you here, such failure on your part may be commented on to the Commission by the Trial Judge Advocate when he presents his

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argument to the Commission at the end of the trial, and the Commission may take it into consideration in determining whether you are guilty or innocent of the offenses.

Do you understand fully all that I have said to you so far?

Mr. Thiel. Yes, sir.

The President. Do I understand that counsel has consulted with the defendant?

Colonel Royall. We have consulted with the defendant. He has indicated his desire to take the stand and testify under oath.

The President. Knowing these various rights, you are now permitted to take the stand in your own behalf.

Colonel Munson. The President stated that he would explain your various rights in order.

Mr. Thiel. Yes, sir.

Colonel Munson. He informed you as to your obligations when you took the stand as a witness, and you stated you so understood?

Mr. Thiel. Yes.

Colonel Munson. Hold up your right hand. You swear that the evidence you shall now give in the case on trial shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Thiel. So help me God.

WERNER EDWARD THIEL

was called as a witness and testified as follows:

Questions by Colonel Munson

Q What is your full name?

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A Werner Edward Thiel.

Q You are one of the accused in this case?

A Yes.

DIRECT EXAMINATION

Questions by Colonel Royall:

Q Werner, where were you born?

A I was born in Essen, Germany.

Q And when were you born?

A 29th of March, 1907.

Q That makes you 35 years old?

A Yes, sir.

Q Your parents were Germans?

A Yes.

Q You are a German citizen?

A That's right.

Q When did you first come to the United States?

A In the year of 1927.

Q How did you come?

A As a passenger on the S. S. Cleveland.

Q Did you enter this country lawfully?

A Yes.

Q Where did you live when you came to America?

A I lived in several cities. First I lived in Detroit City for three years and a half.

Q Where?

A In Detroit City.

Q Then where did you live?

A Then I lived in New York. I lived in Hammond,

Indiana--

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Q Take your time. Do not talk too fast. Enunciate clearly so the Commission can hear you.

3 A I lived a short while in Los Angeles, Philadelphia, and Fort Myers, Florida; and the last few years I lived in New York City again.

Q How long did you live in America altogether?

A Fourteen years.

Q What was your occupation?

A I was a tool and die maker in a machinist place.

Q Where did you work longest in any one place?

A I didn't understand your question.

Q Where did you work for the longest period of time? In what place did you work longest?

A I think during the depression I couldn't find no work in my line, and I had to take a job as a porter and handy man. That was in New York, in a home for the old and infirmed, and I stayed there from 1931 till 1934.

Q How much education have you had, Werner?

A I went to public school and served my apprenticeship, and I went to night school.

Q Now, while you were in the United States were you a member of the German Bund?

A I was a member of the Friends of New Germany from 1933--I believe from the end of 1933 till about the end of 1936, I believe it was.

That society was founded to fight the German boycott at that time and anti-German propaganda; and later on, when this society became the American German Volksbund and went into American politics, I thought it was not right for me as a

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German citizen to be a member of this society and mix into American politics.

Q And what did you do then? Resign from it?

A I just stayed that way.

Q Now, did you join any other German organization here?

A No; only in the year of 1939 I joined the National Socialist Party, as an independent member, in New York City.

Q And after you got to Germany did you continue in that party?

A Yes, but I never took part in any activities. I was transferred to my local group, and I never took part in any activities.

Q When did you go back to Germany?

A I went back to Germany in the year of 1941, in March.

Q On what boat did you go?

A The Tatuta Maru, a Japanese steamer.

Q How did you go? By what route?

A Well, first I took the omnibus from New York to San Francisco. In San Francisco I entered the Tatuta Maru and went to Tokyo--or, rather, Yokohama, by the way of Honolulu, and from there to Yokohama.

Q Did you know anybody on the boat before you got on it?

A Yes. On the boat I met George Dasch.

Q I say, did you know anybody before you got on the boat?

A No, I didn't know anybody.

Q None of your American friends or friends you had in America went with you?

10b

A No.

Q Did anyone pay any part of your passage back to Germany?

A The German Consulate, but I had to sign papers that I was to pay back the money.

Q How much did he pay?

A I don't know how much the fare was. It was the whole fare--I believe it was from New York to Germany.

Q Have you ever paid it back?

1

A No. Shortly before I left Germany again I received a letter from the Foreign Office asking me how much money I had paid back already, and so on, and after a few weeks--in February, I think--I received a letter from the Foreign Office, which stated that since Germany became involved in war with the United States, my return trip was necessary, or something like that, and therefore I did not have to pay it back.

Q Now, why did you go back to Germany in 1939?

A I had not been home for long and I always wanted to go home. Since 1936 I had saved up some money, but then I became a partner in a bake shop to a friend of mine in Florida, and the business went bankrupt, so I lost my money again, and I had to start saving all over again, so I never had enough money to go back.

Q This was the first time you had gotten enough money; is that right?

A 1936, yes, but later on--I believe it was in the year of 1940--I heard, through some friends, that it would be possible to go back to Germany by the way of Japan and that the German Consulate would pay the trip if I did sign a paper that

11b

I was willing to pay the money back again.

Q Now, what did you do when you got to Germany?

A I went home to see my parents and stayed with them for almost two months.

Q What other relatives except your parents--close relatives--did you have living in Germany?

A I have four sisters and five brothers--and four brothers.

Q What did you do after the two months that you stayed with your parents?

A I went to Berlin and tried to find a job in my line, and I acquired a job with a small company, S. A.-- screw machine set up man.

Q How long did you work at that job?

A From July till first of April, 1942.

Q What happened to any of your family during the period you were in Germany?

A Well, three of my brothers have been soldiers. One is in Norway. The other two are on the Russian front. And my youngest brother, who is about 22 or 23 years old, he got wounded last fall, late in November, I believe, in the Rostov affair, near the Black Sea. He lost his left eye. And the other one he was on the Russian front. He has been an infantry-1st in the Donets Basin, and on the 30th of January he was killed in action, but I did not hear of that until about the middle of March.

Q How did that affect you, Werner, when you learned of one brother being wounded and learned in March of the other one being killed?

12b

A I felt very bad. I didn't have no clear mind for quite a long while. I always kept on thinking about my brother.

Q How old was the one that was killed?

A 31 years.

Q Was he the nearest boy to you in age?

A No. There is one brother between us, but we two were especially very close.

This brother of mine went to the Leipzig and Berlin University, and we used to write quite a lot to each other, and every once in a while, when I had some money left, I used to send him some money to help him getting along.

Right after his examination--he graduated with honors about 1940. About Easter, I think, he was drafted by the Army, and was killed in 1942, in January.

Q Now, Werner, when did you first hear of this school? How soon after you learned of your brother's death and were upset by it?

A It was right about the time--I didn't know exactly of my brother's death already, but his letters kept on coming back, and that is almost a sure sign that something has happened.

Q You mean his letters were returned undelivered?

A Yes, undelivered, and I thought already that something had happened to him, and only a few days after we received a letter from his captain that he had been killed.

Q Well, now, what was the first that you learned or heard of this school?

A Well, of this school, one night I attended a social

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meeting in Berlin--social affair--and there I met George Dasch, whom I previously had known on the Tatuta Maru; and Walter Kappe and George and I and some other fellows we spoke about general things.

I had seen Kappe once before in Chicago, in 1935, I believe it was. At that time he was a guest speaker there at the Friends of New Germany, and when I saw him there I went up to him and told him that I had seen him before in Chicago. And so we all sat down and we talked about general things, and I renewed my acquaintance again with George Dasch, and he told me he would like to see me, and that was in the middle of the week, and by the end of the week he came to see me in a little saloon, and then he asked me--we sat down and he asked me if I wanted to do something to help the Fatherland and go back to the United States.

I could not make up my mind--I didn't know what it was all about--so later on, in the beginning of next week, I received a letter from Kappe requesting me to come to 6 Ranke Street; and there Kappe talked about how nice it is for us fellows who know the United States to go back to the United States and do something for the Fatherland, and I did not know what it was, but I agreed to it.

They told me that I had to go to a school some place in Brandenburg.

Wilfong
fls
4:50 p.m.

7/22/42
Wilfong
fls Cincinnati
4:50 p m

Q Did you agree at that time to go to the school?

A Yes; I agreed to go to the school.

Q What did he tell you about the school and what its purpose was at that time?

A He didn't say anything about the purpose; he didn't say at that time at all what the purpose was.

Q What did you think it was when you went there?

A I thought maybe he meant to go back for the purpose of propaganda or something like that.

Q When did you first learn just what the school was?

A I think it was after two or three days, after we got to Brandenburg to the school.

Q Had either Dasch or Kappe told you before this anything further than that you were going to serve the Fatherland?

A No; not up to that time.

Q You did attend the school?

A Yes.

Q And you were instructed in what, in general?

A I was instructed in making explosives out of chemicals.

Q For what purpose were you instructed in that? What did they tell you you were to do with them?

A For sabotage purposes.

Q Were you given any instructions as to whether or not you should harm anybody or kill anybody?

A No. Everybody always said we were not supposed to harm anybody, any human being.

Q Did they give you any reason for telling you that?

A I don't recall that they did, not exactly.

2w

Q Were you instructed to do any spying or getting any military information?

A No; never.

Q Were you asked to get any kind of information over here and send it back to Germany?

A No.

Q Did you study secret writing?

A Yes, sir.

Q How long did you study it?

A I think it was for about two hours or so.

Q What were you to use the secret writing for?

A Just to communicate among ourselves.

Q As to where you would meet?

A Yes.

Q For any other purpose?

A No, sir; I didn't hear of any other purpose.

Q Did you know anything about any handkerchiefs with addresses on them?

A No.

Q Did you ever hear of these until you got into this trial?

A Of course I have heard of it in the trial.

Q Did you ever hear it before?

A I believe one of the agents told me, one of the F.B.I. agents, but I am not quite sure on that.

Q Up to that time had you ever heard anything about it?

A No.

Q Did you know of any instructions given the leader of your group, Kerling, as to communicating with anybody?

3w

A No.

Q What happened, if anything, Werner, in Germany to make you uncertain about this plan?

A Well, when I was almost back to my senses again and thought things really over, I didn't like the idea of going back to the United States and doing sabotage.

Q You said when you came to your full senses. You mean, after you got over the shock of your brother's death?

A Yes.

Q What time during the school did you first start to dislike the plan?

A To tell you the truth, it was in the second week already.

Q Did you say anything to anybody about it?

A No; I did not.

Q Why?

A Well, I don't know. I didn't think I dared to say anything to the others about it or how they felt about it.

Q You were not the leader of your group, were you?

A No.

Q Who was the leader?

A Edward Kerling.

Q Did you follow his instructions?

A At that time he didn't give me any instructions.

Q I mean, after he became the leader and you left.

A Yes. I was supposed to follow his instructions.

Q While you were in school whose instructions did you follow?

A Lieutenant Kappe's.

4w

Q What, if anything, happened just before you sailed, about the money that was given you?

A We discovered some of the gold certificates in our money and--I don't know how I should explain myself there.

Q Take your time.

A We told Kappe about it, that it would be an awful thing to put some gold certificates in the money, and if we spent it in the United States we would be apprehended right away.

Q What did he say about that?

A He said, "Oh, forget about it. It isn't so bad at all." But I think most of them would like to have gone back right there.

Q Did you have a story you were going to tell about yourself when you came over here?

A Yes.

Q What was your story?

A I was supposed to be William Thomas, born in Chicago but raised in Switzerland, and came back in 1927 and since then as my story goes, as my regular life story goes.

Q Who told you that story to tell--or did you make it up yourself?

A Lieutenant Kappe told us to make up a story, and I made it up myself.

Q While you were at the school and before you left, what was your feeling about this plan, Werner?

A I always hoped something would come up to prevent me from going back to the United States.

Q But did you intend if something did not come up

5w

to go ahead with it at that time?

A After I had signed the contract and I had been in it, I imagine I simply had to go on.

Q On the submarine what was your feeling about it?

A To tell you the truth--

Q That is what I want you to do.

A I still didn't like the idea, and the nearer I got to the United States coast the more excited I got. I was quite excited when I finally got here.

Q What was your feeling about it when you actually came on shore from the submarine? Tell us as nearly as you can just what you felt and what you intended, exactly the truth about it.

A When I landed I was so excited I think I wasn't able to think about it. So, after we had buried the explosives in the sand down there in Florida, we just kept on working until we laid down after a few miles and waited for the bus.

Q You say you were hoping that something would happen so you would not have to go through with it; is that right?

A Yes.

Q Did you discuss the matter with anybody at all on the submarine of what might happen or what would happen?

A No. I didn't discuss it at all to nobody on the submarine; but back in New York again, the last morning before we were arrested, Eddie Kerling woke me up and showed me a little line in the Mirror in which it was stated that the F.B.I. were looking for four men from a submarine on the Florida coast; and Eddie Kerling told me right away, "Well, I think we had better forget the whole thing."

Q When was that, Werner?

6w

A Tuesday morning.

Q After you landed?

A Yes.

Q What day did you land?

A We landed on Wednesday.

Q When you left Florida where did you go?

A I went to Cincinnati.

Q You landed on Wednesday, the 24th of June?

A No; I believe it was the 17th of June.

Q And the Tuesday you are talking about in New York was the 23rd; is that correct?

A I guess it was.

Q You went to Cincinnati. With whom did you go?

A I went alone. Before, I had stayed in Jacksonville in the Mayflower Hotel with Herbert Haupt, and I had bought myself some clothes.

Q Who did you first see of your group after you got to Cincinnati?

A Eddie Kerling.

Q Did you stay with him from that time until you went to New York?

A Yes; only for a few hours that I had to go back to my hotel and get my suitcase.

Q When you were in France and when you were on the submarine what was the plan as to the time you were to commit any sabotage? How long were you to wait?

A It had always been told us that we should wait at least two or three months in order to get used to the country here.

7w

Q Had you or any other member of your group done anything towards sabotage after you landed and up to the time you were apprehended or caught by the F.B.I.?

A No; never.

Q Except to bury the explosives?

A The explosives.

Q That was a part of it?

A Yes.

Q Had you or any of your group done anything about selecting any plants or inspecting any plants?

A No, sir.

Q Or selecting any place you were to commit sabotage?

A No.

Q Had that been discussed at all?

A No.

Q You were with Kerling up until the day you were caught; is that right?

A Yes.

Q And during that time had you or Kerling looked for any place to commit sabotage?

A No.

Q Had you discussed any definite plans of any kind to commit sabotage?

A No.

Q After you read that in the paper on the 23rd of June, what did you do? What did you and Kerling do?

A Well, I stayed pretty close to the hotel and ate my meals. In the evening I met a friend of mine.

Q Were you ever certain whether you would go through with this plan or not, Werner?

Sw

A No; I never was certain at all.

Q That just about describes your frame of mind the best you can, that you were not certain? Is that right?

A Yes.

Q On what day were you picked up by the F.B.I.?

A I don't know exactly the date.

Q Do you remember what day of the week it was?

A I think it was Tuesday night, late at night, about 11 o'clock.

Q Was that the same day you had read that notice in the paper?

A Yes. He showed me the paper in the morning and in the evening I was arrested.

Q Did you make some statements to the F.B.I. agents?

A Yes.

Q Who had you in custody when you were first questioned?

A I think there were several F.B.I. agents who questioned me, and later on there were only two, Agent Gleason and Agent McKinney, I believe it was.

Q What time of night did they take you into custody?

A I believe it was about 11 or 11:30.

Q Did you sleep any that night?

A No.

Q Why?

A They questioned me.

Q They would not let you sleep?

A They talked to me all night and questioned me.

Q During that time or at any time did anybody mistreat you? Tell exactly the facts and no more than the facts

9w

about it, Werner.

A Yes. Mr. Donegan mistreated me.

Q Tell exactly what happened. Do not exaggerate it in any way, but tell exactly what happened.

A He took me to his office, and I don't know exactly what he asked me, and I didn't answer, and he pulled my hair and slapped me.

Q Was anybody there with you at that time?

A No.

Q What was done after that?

A Nothing. All the other agents seemed to be very nice.

Q Did you tell anybody about it at the time?

A The doctor came in right shortly after and asked me if I had been mistreated.

Q What did you tell him?

A I told him I had not.

Q Why?

A I thought there was no use to tell the doctor that I was mistreated.

Q Why did you think it was not any use?

A I don't know. I can't answer that question.

Q With that exception were you treated all right by the F.B.I.?

A Very good.

Q Except for not being able to sleep, and that one episode?

A Yes.

Q You did not tell them the whole story at first, did you?

10w

A No; I did not.

Q Why didn't you?

Attig fls
5:10 p m

ol
Attig
fls.
Wilfong
5:10

A Well, I thought I was one of the, really, first to be arrested. I didn't want to tell the whole story. I thought it would, like you say, be printed in the papers.

Q Why did you object to its being printed in the papers?

A I didn't want them in Germany to know that I did tell about the sabotage plan, and things like that.

Colonel Royall. I think that is all I will ask you.

CROSS-EXAMINATION

Questions by the Attorney General:

Q You say Donegan slapped you?

A Yes.

Q How many times did he slap you?

A I couldn't say exactly; I think maybe a couple of times.

Q With his open hand or his closed fist?

A I don't recall that. I was quite excited.

Q He pulled your hair?

A Yes.

Q Did he pull it pretty hard?

A Yes, he did.

Q He pulled it hard?

A Not so awfully hard.

Q Not awfully hard?

A No.

Q How many times did he pull your hair?

A I think that he just pulled it once. I don't know. I don't recall it.

Q Did he just go up and pull your hair?

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A Yes, he pulled my hair--grabbed my hair and pulled it.

Q What made him do that?

A I don't know. All of a sudden he was quite sore at me, or something.

Q You did not tell the doctor, you say, about this?

A No, I didn't.

Q Whom did you tell about it? Did you tell anyone?

A I don't know. I believe I said to Mr. Rice that--after the doctor had left again--that I had been mistreated, but I didn't see any reason in telling the doctor.

Q Did you tell Mr. Rice who mistreated you?

A No, I just told him the gentleman with the gray streak in his hair.

Q Did you tell Mr. Rice what the gentleman with the gray streak in his hair had done?

A No; I only told him he had mistreated me.

Q You said you were questioned all night?

A I believe it was Mr. Rice, because there were several agents.

Q Did you tell the other agents?

A No, I don't think so. I thought at some time I have told Mr. Gleason about it; but now, since he has been on the stand, I really don't know.

Q You don't remember?

A I am not quite sure whether I did. I believe I did.

Q What time were you arrested?

A I think it was about eleven, eleven-thirty.

Q At night?

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A Yes.

Q When did they begin to question you?

A Right after I was brought to the office.

Q How long did they question you?

A They questioned me until about nine o'clock or nine-thirty, and then two other agents came in and questioned me till about some time in the evening.

Q You had your meals to eat?

A I had my meals, yes.

Q They did not question you while you were having your meals?

A No, not while I had my meals.

Q How long would they question you at a time?

A They kept on questioning me all day.

Q Well, they would interrupt while you ate your meals?

A Yes.

Q Would they interrupt at other times?

A What is that?

Q Would they interrupt at other times, too?

A Well, every once in a while for a few minutes, and start all over again and ask me questions.

Q Did you put everything you have told us about in that F. B. I. statement? Did you tell them everything?

A No.

Q Why not?

A Because in that statement I said that I didn't tell my friend Tony Cramer that I didn't come over on the submarine. He is the one I gave my money belt to. I didn't

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do it at that time because he had been a very good friend of mine for over 12 years, and I didn't want to bring him into trouble on my account. He even has helped me out sometimes when I was out of a job, and that is why I didn't want to bring him into trouble.

Q Did you tell your friend Tony Cramer you had come over on a submarine?

A Yes.

Q When?

A I met him twice, I think; I don't know whether it was the first or second night.

Q Did you tell him about the sabotage school?

A No. I only told him I went through a course in Germany before I came over here.

Q What kind of course? Did you tell him?

A I didn't tell him that.

Q Did you tell him what you were going to do in this country?

A No.

Q Did he ask you?

A I don't know exactly if he asked me, but I am sure I didn't tell him what I was supposed to do in this country.

Q Did you give him the money belt?

A Yes.

Q Did you tell him what was in the belt?

A Well, I told him there was money in there, but I don't know how much money was in there, because I never counted it, and I believe I told him there was about \$4,000 in there, because at that time I thought there was about

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\$1,000 in it; I wasn't sure of it.

Q You asked him to keep it for you until you could get it?

A I asked him to keep it for me till I got it back from him again.

Q Did you tell him when you were going to get it back from him?

A No, not exactly.

Q Did you tell him how long he probably would have to keep it?

A No.

Q When did you join the Nazi Party?

A I joined the Nazi Party in 1939.

Q Was that through a suggestion of the German Consul?

A No. At that time I was not quite sure whether I wanted to stay in the United States or go back to Germany for sure, and I thought, "Well, in case I go back to Germany for sure, it could not harm me if I were a member of the Nazi Party," even though when I came back to Germany, it did not help me any at all. I had a job, and I worked 12 hours a day, and I had to work hard, just like any other fellow.

Q Did the German Consul know that you were joining the Nazi Party? Did you tell him?

A I made out my application.

Q To the German Consul?

A Yes.

Q Did you take an oath of loyalty to the Nazi Party?

A I don't know exactly whether it was an oath or a pledge. I think it was more or less like a pledge--be loyal to the Party.

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Q Loyal to the Party?

A Yes.

Q You signed it?

A And Hitler, of course.

Q You signed the pledge to be loyal to Hitler and the Party? Did you sign it?

A No, I think I didn't sign it. There were several men in the office, and the Consul said a formula, and we had to repeat it.

Q Yes; with your hands up?

A Yes.

Q You said "Yes" at the end of it?

A No. As much as I recall it, we repeated every word of it.

Q You repeated each word?

A Yes.

Q That in a general way was a pledge to be loyal to the Nazi Party and Hitler?

A Yes.

Q When did you take out your first papers? You did take out first papers?

A I took out my first papers in 1927.

Q You did not follow those up after that, did you?

A No.

Q Do you remember signing a contract in Germany at the school or in Berlin some time?

A Yes, I do.

Q Whom did you sign it with? Did Kappe give it to you?

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A Yes, Kappe gave it to me to sign.

Q Did you read it?

A Yes, I read it.

Q What did it say?

A It was mostly for the welfare of our families, for our own welfare in case we got hurt, or something.

Q Did it say that after finishing the school, you would do your best for the Fatherland?

A I don't recall that.

Q Did it say anything about the school?

A It didn't say nothing about the school at all.

Q Whom was the contract with? Between you and who else?

A I really don't know. I had to sign my name on the bottom, and the page was turned below, and there were some other signatures, but I was not allowed to see those signatures.

Q Did Kappe tell you whom the contract was with?

A No, he didn't say that.

Q When did you first see Kappe, by the way? I think you have said in 1934.

A Either it was the end of 1934 or 1935.

Q Was that at a Bund meeting?

A It was at the meeting of the Friends of New Germany, and he was guest speaker there.

Q Who introduced you to him there?

A Nobody introduced me to him at all.

Q Did you talk to him afterward at all?

A No. I don't think I talked to him in Chicago;

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maybe a sentence or two; because there was a dinner afterward. But I didn't talk to him. I may have said, "How do you do?" or something, but that is all.

Q Was Dasch there at that time?

A No, I haven't seen Dasch till I met him on the Tatuta Maru.

Q You went to a big meeting of the Bund, did you not, in 1938?

A Yes. There was a meeting in the Madison Square Garden. I really don't know what it was all about--I don't remember quite--and that was the only time I attended a Bund meeting after 1936.

Q Kappe was not there, was he, in 1938?

A No.

Q Was it Dasch, as I think you said, who first talked to you about the possibility of this school, without just telling you what it was for?

A Dasch didn't talk to me about the school; he only asked me in that saloon if I wanted to do something for the Fatherland and go back to the United States.

Q That was after war had been declared with America?

A Yes, that was after.

Q So I suppose you knew it had something to do with the war?

A I didn't think of that at that time.

Q You did not think that your going back to the United States and doing something for the Fatherland had anything to do with the war?

A No, but I mean that evening it didn't--I didn't

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think of that, because I had--that evening I didn't make up my mind. I never thought much of it again until I received the letter from Kappe.

Q Had you met Kappe, then, when you received the letter?

A Yes, I had met him. There was a social meeting of the Ausland group in Berlin--that is, a meeting where people--Germans--from foreign countries come together and just have a few glasses of beer and talk together and renew acquaintances, and so on, and there I saw Kappe.

Q Just what did Kappe say to you then?

A He didn't say nothing at all. When I saw him, I was surprised that he wasn't in Berlin.

Q He did not say anything to you then?

A No. I went up to him and told him that I had seen him in Chicago previously, once in 1935 or 1936, whenever it was, or 1934 or 1935, and that he had been a speaker there.

Q Did he remember you?

A No, he didn't remember me.

Q What else did he say to you that night?

A At that time he invited me to his table, and Dasch was sitting there too, and we talked over general things about old times in America and stayed there for about an hour or so, or maybe a little longer; then I went for home.

Q Did either Kappe or Dasch at that time talk about doing something for the Fatherland?

A No.

Q When was the next time you saw Kappe?

A It might have been a week after.

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Q That was as a result of a letter that he wrote you?

A Yes; and as a result of that evening, Dasch asked me if I wanted to go back to the United States.

Q Was Dasch working for Kappe, so far as you know, at that time?

A I really didn't know if he was working for Kappe, but he seemed to be very close to Kappe.

Q What did Kappe ask you to do then?

A Kappe asked me to--told me I had to go to school in Brandenburg.

Q Did he say you had to go?

A Yes. After I told him I agreed, he said, "You will have to go to school in Brandenburg."

Q What did you agree to?

A To go back to America.

Q To do what?

A Nothing at all at that time, because Kappe didn't tell me what I was supposed to do.

Q You knew it was something to do with the war, did you not?

A Well, at that time I thought maybe it meant going over here and doing some kind of propaganda, or something.

Q Who gave you that idea?

A Well, I thought of that myself, because I never dreamed of sabotage.

Q You did not really know what it was for, though, did you?

A No, not at that time.

Q But you agreed at that time to go?

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A To go to the United States.

Q Without knowing what it was for?

A Yes.

Q Why did you agree?

A I don't know. As I said before, I really--well, he put a question if I want to do something for the Fatherland, and so I answered in the affirmative.

Q Well, were you willing at that time to go to America to do something for the Fatherland?

A As I felt then, how it was put up to me--he talked how nice it was some of us fellows could do something for Germany over there--I agreed.

Q By the way, at that time had you heard the news of your brother's death?

A A couple of days after--a few days after. But at that time his letters came back already with a cross over it.

Q At that time when you talked to Dasch and Kappe, did you think your brother was dead?

A I was very much afraid he was, because his letters came--kept on coming back with a cross on, and that mostly means that a soldier got killed.

Q Were you in a dazed condition then? Did you know what you were doing?

A I don't know exactly; I only kept on thinking about my brothers.

Q You did not really know what you were doing when you said you agreed to go to America; is that the idea?

A Well, I would say I was not quite clear and sure about myself at that time.

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Q Were you more clear in the next three or four days, or were you still in a dazed condition?

A No, I kept on thinking about it for weeks and weeks.

Q Do you mean for us to understand that for weeks and weeks you did not know what you were doing?

Colonel Royall. I believe we shall object to the repetition. He has not said he did not know what he was doing.

The Attorney General. I asked him what he meant.

Colonel Royall. Yes, but you asked him three times, and I think that is sufficient.

I object to the question, sir, as being repetitious. He stated that he did not know; he was in a sort of dazed condition, or something to that effect. I do not think the question ought to be repeated, so we object.

The Attorney General. I have not asked him about the next few weeks. I was going step by step, and I wanted to find out how long this dazed condition lasted.

The President. The ruling is that the objection is not sustained.

The Attorney General. Please read the question.

The Reporter (reading):

"Question. Do you mean for us to understand that for weeks and weeks you did not know what you were doing?"

The Witness. Of course, after a couple of weeks, and so on, I knew exactly what was what; but then when I had been in school for so long and signed the contract, I couldn't get

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out--drop out of it any more.

Questions by the Attorney General:

Q But for a couple of weeks you did not know what you were doing? For two weeks?

A Well, I wouldn't say exactly I didn't know what I was doing. I wouldn't say that. But I was quite--I was dazed; I wasn't sure of myself at all.

Q Do you remember when they issued to you the uniforms that you were to wear?

A Yes.

Q What kind of uniforms were they?

A They were regular war cloth, like soldiers wear when they work.

Q When they were issued to you, were you told, or at any time were you told, that you were to wear them so that you would be treated as prisoners of war if you were caught landing? Do you remember that?

A I don't recall that they said it at that time. At that time they only told us that we had to wear them in order to get on the submarines so nobody felt suspicious about civilians going on submarines.

Q Did they ever say to you that you should wear them so that you could be treated as prisoners of war?

A Yes, later on. I don't know whether Kappe said something like that in Lorient, or it was said in the submarine. I don't recall it.

Q You were instructed to blow up aluminum plants?

A Yes.

Q And instructed not to hurt anyone?

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A No, not to blow up aluminum plants but to get production.

Q Did you think you could blow them up without hurting anyone?

A Well, as they told us, it could be done, because in order to cripple production in an aluminum place, all you have to do is do something to a transformer.

Q You thought you could do this--do this sabotage work--without hurting anyone?

A Well, as they said, it could be done.

Q Did you think you could do this sabotage work without hurting anyone?

A Well, I never was sure whether I really wanted to do any sabotage work.

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Q Did the other seven defendants go to school with you, the defendants who are here in this courtroom?

A Yes.

Q The three of them went down to Lorient with you, the three who were with you in the submarine?

A Yes.

Q Which three were they?

A Herbert Haupt, Hermann Neubauer, and Eddie Kerling.

Q You spoke of meeting someone on the night of June 23, 1942. Who was that?

A You mean in New York?

Q I think it was in New York.

A Yes, a fellow by the name of Tony Cramer.

Q That is the one you have spoken of already?

A Yes.

Q You said you were nervous when you saw the gold certificates with the other money?

A Yes.

Q You were nervous because you thought that might lead to your arrest?

A Yes. Everybody thought it would be a mean thing to put in some gold certificates, because as soon as they would be spent in the United States everybody would know that they are not supposed to be regular United States currency any more.

Q I think you testified that Kerling had showed you a newspaper--was it the Mirror?--saying that some men who had been saboteurs were arrested?

A I believe it was The Mirror. It was in one of the columns, only a short sentence.

2b

Q Did you tell the F.B.I. that?

A No, I did not tell the F.B.I. that.

Q Was there any reason for leaving it out?

A I don't know. Maybe I never thought of it, and besides--

Q Besides, what?

A I didn't want to tell them exactly that I didn't like to go ahead with the sabotage work, because, as I said before, I did not want to leak that out--become known in the papers.

Q Before you were apprehended did you make a decision to go to the F.B.I. and report this whole thing?

A No, I did not.

Q Now, at the sabotage school did you and the other boys who were working at the school and taking the instructions talk over the sabotage plans together sometimes?

A No. Mostly Lieutenant Kappe talked about sabotage and gave us all the instructions, and a fellow by the name of Reinhold Barth.

Q Had you ever seen Barth before?

A No.

Q Well, you did talk it over among yourselves as to what you were going to do, didn't you?

A No, not--sometimes we talked about the formulas we had gotten.

Q Now, going back to the Bund, you went to Hammond, Indiana, in 1934, didn't you?

A Yes.

Q Did you organize the local Bund there?

3b

A A few fellows and I organized the local group of the Friends of New Germany.

Q That came before the Bund or after the Bund?

A That was before the German American Volksbund.

Q And you were the assistant leader of that local?

A Yes. It was only a very small group.

Q I think you said--I am quoting from your statement-- that "In October, 1940, I learned of the opportunity to return to Germany by way of Japan through the instigation of the German Consulate in New York City."

Is that correct?

A Yes.

Q Then you said:

"Regarding my trip back to Germany at the expense of the German Consulate, I wish to state that no job was offered me, but that I had intended to go to visit my family and to aid Germany in its war efforts, with the possibility of returning to this country at the end of the war."

You went there to aid Germany in its war effort?

A No. I was quite sure that if I went over there during the war that I couldn't come back to the United States until after the war, and, of course, the reasonable thing for me to do would be to work in a German factory.

Q You mean that what you said to the F.B.I. is not true--that you went over there to aid Germany in its war effort?

A Well, I think if I worked in a German factory during the war time that is aiding Germany in its war effort.

4b

Q Well, it is true that you went over to aid Germany in its war effort?

A No, that is not exactly--to see my family and because I knew I could not go back to the United States during the war. I intended to work there in a German factory.

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Q Now, is it true that you went back to Germany to aid Germany in its war effort? Is that true or isn't it true?

A No, not only on account of that. Of course, I was desirous of helping Germany by working in a German factory.

Q Do you know a man named Helmut Leiner?

A Yes.

Q Is he a friend of Kerling?

A He is a friend of Kerling.

Q Where did you meet him?

A I met him in the year of 1940, I believe it was, or 1939, but I met him a few times and then he took sick. He was a very sick man at the time I left for Germany.

Q Who introduced you? Did Kerling introduce you?

A No; another friend of mine, and when Kerling and I came back to New York, Kerling tried to get in touch with this Helmut Leiner, because he told me he had always been a very good friend of Helmut Leiner, and he asked me to come along to Astoria, Long Island.

Q When was this?

A It was on the Sunday we got back to New York, and asked me--and tried to find out whether he was back from the hospital already. Kerling did not know at that time.

Q Did you see him?

A Yes. Kerling did not want to go to the house him-

5b

self, because he is known by Leiner's parents, so I went up there and saw him there sitting on the porch in front of the house with his father, but at that time I did not know that it was his father, and I asked him if Helmut Leiner lived there, and he said yes, and that he was his father, and so I went up with him, and Leiner was sitting on the porch with his mother and I think his sister and another girl.

Q Did you talk to him?

A I talked a short while to the family, and then I told Helmut I would like to take a walk down the street, and there on the corner Eddie Kerling was waiting, and then Kerling talked to him most of the time.

Q What did Kerling say to him?

A Well, we went to New York together and had supper in the Blue Robin, and Kerling seemed to be mostly interested in his wife, because he kept on asking questions to Kerling, how she was.

Q Did Kerling say anything about your trip?

Colonel Royall. We object. I do not think he completed his answer. He may have.

The Witness. I did.

Questions by the Attorney General:

Q Did Kerling say anything about the trip?

A I don't recall that he did at the time.

Q Why was it that Kerling did not want to see his father, did he tell you, or did not want his father to see him?

A I did not get the question.

Q Well, Kerling did not want to be seen in the house; is that right?

6b

A Yes.

Q Why was that?

A I think because his parents knew that Kerling went back to Germany in 1940, I think it was.

Q Why would that make Kerling object to his seeing him? Did he tell you?

A No, he didn't tell me exactly, but he said he did not want to be seen by his parents.

Q Did you ask Kerling where you could see your friend Anthony Cramer?

A Leiner didn't know my friend Anthony Cramer.

Q Did you ask him?

A No. I was sure he didn't know him, so I only asked him to go to his previous address and find out whether he still lives there. That was on Eighty-Third Street--East Eighty-Third Street in New York.

Q Why didn't you go yourself?

A Well, it is a German neighborhood there, and in Berlin we always were told to stay away from all Germans--we shouldn't have any connection at all with German people over here.

Q You mean while you were doing your sabotage over here you were not to have any connection with Germans; is that right?

A Well, while we were over here at all times.

Q So you were obeying the orders that you got in Berlin; is that right?

A Yes, in a way, I did.

The Attorney General. Will you mark this?

(Photograph referred to was marked P-260.)

Questions by the Attorney General:

3 Q I am showing you an exhibit marked P-260 and ask you if you can identify anybody in this picture. Do you know either of those men (handing a photograph to the witness)?

A No.

Q Are you sure?

A No.

Q You do not think either one of them is Leiner?

A Well, one of the fellows looks just a little bit like him, but I am not quite sure whether he is.

Q What hotel did you go to in New York?

A To the Hotel Commodore.

Q What room did you have there?

A I believe it was 908.

Q Now, when you left Germany did they tell you what name to use in the United States?

A No. We were supposed to pick out our own name.

Q What name did you pick out? I think you told us.

A William Thomas.

Q Did you use that name in America?

A Yes.

Q How did you use it?

A I used it to register in hotels.

Q You were not in the German Army at any time, were you?

A No.

Q When you were at the school were you assigned any

8b

number in the German Army?

A No, I never was.

Q Were any of the fellows assigned numbers?

A I don't know about that.

Q You do not know about that. Did you know Zuber?

A Yes.

Q Did he work at the school?

A He was in the school with me and the other fellows.

Q Did he go with either of these groups?

A No, he did not.

Q Why didn't he go?

A He was a corporal in the German Army, and I believe after the school he went back to the Army.

Q Well, did he just say he wanted to go back to the Army? Is that it?

A Yes. He had been in New York before, and, I don't know--he was in the country illegal, I believe he said, and on account of that he was on Ellis Island for a few months and sent back to Germany, and on account of that he was afraid to come back to the United States, because he knew that his fingerprints and his pictures and all this and that, and he told Kappe so, and I think Kappe agreed that he go back to the Army.

Q That he go back to the Army?

A Yes.

The Attorney General. I think that is all.

Colonel Royall. It will take me just a little while. I will follow whatever course the Commission prefers. It is a quarter of 6.

9b

The Attorney General. How long will it take you?

Colonel Royall. I do not know; not very long; probably ten minutes.

The President. Well, we will finish with this witness, if it does not take longer than that.

REDIRECT EXAMINATION

Questions by Colonel Royall:

Q Werner, I believe you say you do not know just how much money there was in the belt?

A No, I really don't know, because I never counted it.

Q I believe in one of the statements you said it was \$4500?

A Yes, because I always believed that there was about \$4500 in it, and then I think one of the F.B.I. agents said most of the other belts were that much money, so I just said yes, but I never really counted it.

Q As a matter of fact, you did not know much about the details of this plan, anyway, did you? You did not know much about how it was going to work; you were just following orders?

A Yes, I was just following orders.

Q They asked you about being an assistant leader of some Bund. How many members were there in that?

A Well, I think altogether thirty members or something--not even that--twenty, I think.

Q Was that the only time you have ever been an assistant leader of anything?

A Yes.

Q You were not assistant leader even in the plant where you worked, were you?

10b

A No.

Q You were just an ordinary workman?

A Yes.

Q They talked about the gold certificates. I believe they took those out before you came to America?

A Yes, we took them out.

Q You did not bring those with you. You were asked about signing contracts. Each of you signed a contract separately?

A Yes.

Q You do not know what was in the other man's contract?

A No.

Q He did not know what was in yours?

A No.

Q You do not know whether they were alike or not?

A No, I really don't know.

Q None of them know whether they were alike or not?

A No.

Q What does the word "instigation" mean, Werner, do you know?

A I couldn't translate it exactly.

Q You do not know what it is. How does it happen that in your F.B.I. statement the word "instigation" appears? You did not use that word, did you?

A No.

Q Have you ever used it in your life?

A No, I never did.

Q If that is in the F.B.I. statement, somebody else

11b

put it there, didn't he, Werner?

A Yes.

Q You were asked about Kerling in New York. I believe you said he was very anxious to see his wife; is that right?

A Yes.

Q Is there anything else that you want to say about this thing--any facts that you want to give that I have not asked you about?

A I don't think so. I don't know of anything.

Q Is there any further information that you can give the F.B.I. or the Attorney General about any other people whom you knew or who were connected with your plans in any way? Can you think of any others you can tell them about?

A There weren't any other people in this country connected with that.

Colonel Royall. I believe that is all.

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The Attorney General. I do think of one question that I would like to ask the witness.

RECROSS EXAMINATION

Question by the Attorney General:

Q Did the contract refer to you as a V-man or a man of trust?

A Yes.

The Attorney General. That is all.

The President. There is one more question to be asked the witness by the Commission.

EXAMINATION BY THE COMMISSION

Questions by the President:

Q If you had told Lieutenant Kappe at this school that you had decided to change your mind and would not carry out the plan, what do you think would have happened to you?

A I don't know exactly what would have happened, but I didn't dare to go back on my word. I really couldn't tell you, sir, what would have happened.

Q What do you suppose would have happened?

A They would have interned me for disobeying orders or something; I don't know.

The President. There seem to be no further questions. The witness is excused, and the Commission will adjourn until 9:30 next Friday morning.

(Whereupon, at 5:55 o'clock p. m., the Commission adjourned until Friday, July 24, 1942, at 9:30 o'clock a. m.)

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